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Thursday, September 5, 1974
Bhadra 14, 1896 (Saka)

LOK SABHA DEBATES

(Eleventh Session)

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LOK SABHA SECRETARIAT
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CONTENTS

Thursday, September 5, 1974/Bhadra 14, 1896 (Saka)

	Columns
Re Adjournment Motions	1—31
Question of Privilege—	31—192
Certain news report published in '*Pratipaksh*', a Hindi weekly—	
Shri Dinesh Chandra Goswami	31—36
Shri H. N. Mukerjee	37—46
Shri M. C Daga	46—49
Shri Madhu Limaye	49—67
Shri Kartik Oraon	68—74
Shri Jyotirmoy Bosu	74—80
Shri Jagannath Rao	81—84
Shri Jagannathrao Joshi	84—91
Shri A. P. Sharma	91—96
Shri Sezhiyan	96—109
Shri K. P. Unnikrishnan	110—16
Shri P. G. Mavalankar	117—23
Shri C. M. Stephen	127—32
Shri Janeshwar Misra	132—40
Shri Samar Guha	140—46
Shri Chapalendu Bhattacharyyia	147—48
Shri Sat Pal Kapur	148—50
Shri H. R. Gokhale	150—55
Shri Piloo Modi	155—80

LOK SABHA

Thursday September 5, 1974/Bhadra 14, 1896 (Saka)

The Lok Sabha met at eleven of the Clock

[MR. SPEAKER *in the Chair*]

RE. ADJOURNMENT MOTIONS

SOME HON. MEMBERS rose—

MR. SPEAKER: I have not called any one.

SHRI C. M. STEPHEN (Muvattupuzha): On a point of order.

MR. SPEAKER: What is your point of order?

SHRI C. M. STEPHEN: My point of order is under rule 379. Rule 379 says:

> "The Secretary shall cause to be prepared a full report of the proceedings of the House at each of its sitting and shall, as soon as practicable, publish it...."

So, with regard to the preparation of the record, it is the proceeding of the House which can be recorded and nothing else. What exactly are the proceedings of the House? We get it under rule 31 which says:

> "A list of business for the day shall be prepared by the Secretary, and a copy thereof shall be made available for the use of every member.
>
> "Save as otherwise provided in these rules, no business not included in the list of business for the day shall be transacted at any sitting without the premission of the Speaker."

The business to be transacted for the day has been included in the list of business, and the list is before us. Any other subject can, of course, be raised provided you give the permission. If anything is said in the House without your permission, that will not become part of the proceedings of the House. Only that which is, in law, transactable under the Rules of Procedure of the House or which can be permited by you under authority given under the Rules of Procedure of the House, that alone can become part of the proceedings of the House. Therefore, any statement or submission made on the floor of the House except in accordance with the Rules of Procedure and except in accordance with the list of business should not be under rule 378, permitted to go on record. So, everything that is stated except with your permission must be put off the record.

MR. SPEAKER: The rules are very clear about it.

श्री मधु लिमये (बांका) : नियमों का मैं आप से भाष्य चाहता हू । यह पहले देखा जाना चाहिए कि आर्डर पेपर कैसे बनाया जाता है । स्टिफन साहब को शायद पता नहीं है कि काम रोको प्रस्ताव या नया प्रिवेलेज मोशन कभी आर्डर पेपर पर नही आता है और स्वीकार करने के बारे में हम लोगों को अपनी बात कहने का अधिकार है और उसके बाद अगर स्पीकर साहब की राय हो जाए कि फलां फलां प्रस्ताव, स्थगन प्रस्ताव इन इन कारणों को लेकर एडमिसिबल नहीं है तो उनके निर्णय को हम लोग मानते हैं । दामों के बारे मे हो या रेलवे विक्टिमाइजेशन के बार मे हो या दिल्ली वाला हो, हमारे जो एडजार्नमेंट मोशन है एडमिसिबल कैसे हैं यह अर्ज करने की आप से हम लोग अनुमति चाहते है । इसलिये इनके प्वाइंट आफ आर्डर में कुछ दम नहीं है ।

SHRI S. M. BANERJEE (Kanpur): My point of order is this. If you see the order paper of today, you will find that there is no Question Hour and the business starts with further consideration of the motion regarding the question of privilege. I have been a member of this House since 1957 and I am supposed to know certain rules as Mr. Stephen is supposed to know. The question is very simple. The Adjournment Motion does not come on the agenda paper until the discussion on it starts. No adjournment Motion is admitted in advance. We have to argue and convince you, Mr. Speaker, and you in your wisdom can give the consent. Then the member concerned asks for leave to move it, and when you find that the number of members who have risen is not less than fifty, you intimate that the leave is granted. Yesterday when an Adjournment Motion was raised by Shri Bhogendra Jha, you said that it was a continuing matter.

If you say that it is a continuing matter, I want to know whether death is a continuing matter, whether starvation deaths are a continuing matter and whether starvation is a continuing matter and whether it should be allowed to continue in this country. If we are wrong in our adjournment motion, then, I wanted to know what should be the adjournment motion. I have moved immediately another motion to discuss the unprecedented rise in the prices of sugar, wheat, rice, vanaspati and other essential commodities after the anti-inflationary measures taken by the Government from July 24 and the Government's complete failure to check the prices. The Government assured us that the prices would be checked when they promulgated the three ordinances....

MR. SPEAKER: I am not allowing any debate.

SHRI C. M. STEPHEN: What is all this? We wanted to know whether the adjournment motion has been admitted. Under Rule 60 only when the adjournment motion is admitted, a Member is entitled to speak, not otherwise.

SHRI S. M. BANERJEE: I have not completed. I know you are the Speaker, not Mr. Stephen.

This is not a continuing matter. The only continuing matter is this blessed government which has failed to check the prices. I want you to give your consent to this adjournment motion because people are starving and I would submit that it fulfils all the conditions and you should allow this adjournment motion.

श्री अटल बिहारी वाजपेयी (ग्वालियर) : अध्यक्ष जी, मि० स्टीफन ने रूल 379 के अन्तर्गत व्यवस्था का प्रश्न उठाया है । इन्होंने जो उद्धृत किया है उसको फिर से पढ़ ले—

> "The Secretary shall cause to be prepared a full report of the proceedings of the House at each of its sittings and shall, as soon as practicable, publish it in such form and manner as the Speaker may, from time to time, direct."

क्या इस रूल का मतलब यह है कि कार्यवाही शुरू होने के समय संसद सदस्य काम रोको-प्रस्ताव नहीं उठा सकते, क्या 377 के अन्तर्गत मामले नहीं लाये जा सकते ? सैक्रेटरी जो रिपोर्ट तैयार करेंगे वह तो पूरे दिन की कार्यवाही की रिपोर्ट तैयार करेंगे जो शाम को तैयार होगी और दूसरे दिन सदस्यों को मिलेगी, मगर इस रूल का हवाला दे कर एडजार्नमेंट मोशन को कैसे रोका जा सकता है ।

अध्यक्ष महोदय, मेरा निवेदन है कि एडजार्नमेंट मोशन्ज इस लिये भी आ रहे हैं, क्योंकि बिजनेस एडवाइजरी कमेटी ने और ढंग से सारे मामले आने के रास्ते बन्द कर दिये हैं । काल-एटेंशन नहीं आ सकता, 377 के मामले नहीं उठा सकते——

श्री मधु लिमये : वे आ सकत है ।

श्री अटल बिहारी वाजपेयी : आधा घटे की चर्चा नही कर सकते, शार्ट नोटिस क्वेश्चन नही आ सकते, क्वेश्चन आवर पहले ही बन्द ह । आप कृपा कर बिजनेस एडवाइजरी कमेटी की मिटिंग बुलाइये और अगले दो दिनो मे सदस्यो को सार्वजनिक हित के मामले उठाने की पूरी छूट दे दीजिये । जितना समय हम इस तरह से वेस्ट कर रहे है, अगर कायदे से मामले उठाने की इजाजत दे देते तो जनता के प्रश्न भी इस सदन मे फोकस कर सकते थे और इस हो-हल्ले मे बच सकते थे ।

जहा तक मि० स्टीफन का प्वाइट आफ आर्डर है, वह प्वाइन्ट आफ आर्डर है ही नही पता नही किस सूझ से इसे उठाया गया है, आप इसको बिल्कुल रद्द कर दीजिये ।

MR SPEAKER: There should be no debate on this

SHRI H. N. MUKERJEE (Calcutta-North-East) I want to make submission While I concede procedurally that it is not desirable and it is almost reprehensible for any member just to go on speaking at length and very loudly in regard to the subject matter of whatever motion he has, while conceding that, I am sure you will agree that we have to function and the Parliament has to function and I would imagine that you would give an opportunity to a Member who has given previous notice of an adjournment motion, after he learns from you your view of the matter and whether you have accepted it or not, to secure from you further elucidation and also to try and convince the House and you that his motion is admissible. Therefore, what I suggest is this. While Mr. Bosu's loud utterances may not particularly call for action we are entitled to discuss the Adjournment Motion, I am told, it is about the suffering of the people, starvation etc.—and the House is entitled to hear from you whatever reasons might have persuaded you to take a view of the matter and Sir, we have a right to understand the position. Mr. Vajpayee said we are in a serious situation and a serious matter can be taken up only by resorting to an emergent remedy like the adjournment motion. No treatment in a cavalier fashion as suggested by Mr Stephen can be permitted

SHRI C M STEPHEN: Objection is raised and I may be permitted to reply Anything that is permitted in accordance with rules of procedure may be allowed to go on record. Adjournment Motion is not plunged into the House suddenly It is governed by rules You have rule 56, you have rule 57 Rule 56 says:

> Subject to the provisions of these rules a motion for an adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker

The next rule says

> Notice of an adjournment motion shall be given before the commencement of the sitting

Rule 60 says:

> The Speaker if he gives consent under rule 56 and holds that the matter proposed to be discussed is in order shall, after the questions and before the list of business is entered upon call the member concerned who shall rise in his place and ask for leave to move the adjournment of the House
>
> Provided that where the Speaker has refused his consent under rule 56 or is of opinion that the matter proposed to be discussed is not in order, he may, if he thinks it necessary, read the notice of motion and state the reasons for refusing consent or holding the motion as being not in order.

The point is, notice was not given. But, if, on the other hand, notice has been given, then you will have to take

[Shri C. M. Stephen]

a decision as to whether this is in order or not. If it is in order then you call the Member to move the adjournment motion. You have two alternatives, either not permit it at all, or kindly spell out the reasons. Nobody has a right to come out with a series of arguments and start a debate all of a sudden. If there is no permission from you, nothing should go on record under Rule 379. That is my submission.

SHRI MADHU LIMAYE: He is not familiar with the proceedings of the House.

क्या एक एक क्वाइट आफ आर्डर का फैसला होगा हमेशा एडजार्नमेंट मोशन के बारे में हमारी बातें सुनने के बाद आपने माना है, ऐसा हमेशा ही होना है, लेकिन ये कुछ जानते ही नहीं है ।

SHRI C. M STEPHEN: We will amend the rules in that case. Everybody cannot carry the rules on his fingers.

PROF. MADHU DANDAVATE (Rajapur): May I make a submission?

SHRI SHYAMNANDAN MISHRA (Begusarai): I seek your giudance. It was a completely absurd suggestion to make.

SHRI C. M. STEPHEN: If you have given permission then it can go on record. If you have not given permission it cannot go on record Nothing that he said here shall form part of record.

SHRI SHYAMNANDAN MISHRA: My submission is, it is absurd to suggest that Rule 379 is attracted regarding moving of Adjournment Motion here.

Sir, I repeat it is absurd to suggest that the Secretary should be asked not to include what is said on the adjournment motion in the report of the proceedings. It is a preposterous suggestion. The Rule 379 is not attracted.

Now, he is making a subbmission on the basis of another rule. I would say that it has always been the practice or convention here to go according to the rules. And all that is provided for (*Interruptions*).

MR. SPEAKER: I shall call you later on. Mr. Bosu.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, Mr. Stephen has taken this attitude. But he does not know how many notices have been tabled. We shower on you everday so many notices. He is not aware of this. Let him only take some trouble of reading a little more of what we have more or less recorded since 1967. Sir, Rule 60, paragraph (2) says:

> "Provided that where the Speaker has refused his consent under rule 56 or is opinion that the matter proposed to be discussed is not in order, he may, if he thinks it necessary, read the notice of motion and state the reasons for refusing consent or holding the motion as being not in order"

You know that the list of business is finalised the previous night when, perhaps, Mr Speaker might have retired and gone to bed He is a busy man; adjournment motions are supposed to come here before 10 'O' clock in the morning So, is the case with regard to the privilege motion. I would submit that, in your wisdom, if you reject this motion, then we have a right--the inherent right—to dispute that and to make submissions.

MR. SPEAKER: It has never happened.

SHRI ATAL BIHARI VAJPAYEE: You admitted the adjournment motion on the Bihar situation. (*Interruptions*)

MR. SPEAKER: Order please.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, आप एडजार्नमेंट मोशन बना कर देते हैं, फिर हम उस को यहां उठाते हैं, आप से अपील करते है कि आप पुनर्विचार करें और आप पुनर्विचार कर के इजाजत दे देते हैं ।

. . (*व्यवधान*) . . .

MR. SPEAKER: Will you please sit down? I shall hear you.

SHRI VASANT SATHE (Akola): Sir, first of all, he must satisfy you in your room before doing this. Let us follow the rules. Otherwise, we won't be able to conduct our business in the House.

श्री मधु लिमये : अध्यक्ष महोदय, हम जो सवाल उठाते है, सार्वजनिक महत्व के उसमें इनको एम्बैरेसमेंट होता है, इसलिए ये ऐसा मचाते हैं ।... (व्यवधान)...

MR. SPEAKER: I shall hear you.

SHRI JYOTIRMOY BOSU: How can I speak if the hon. Member goes on interrupting? I would submit to you that as I read out the appropriate rule—Rule 60, paragraph (2)—tell me as to why you want to debar us to make submissions when you have doubts in your mind with regard to the admissibility of the motion. What did we do when Shri Vajpayee gave his adjournment motion on the Youth Congress Rally? You were good enough to summon the Minister concerned and he was allowed to make a speech And then Mr. Vajpayee had to refute it You heard both sides. You did it in your wisdom.

SHRI VASANT SATHE: My submission is we should follow the rules (*Interruptions*) He has already read out the rule.

MR. SPEAKER: Kindly sit down. I shall be calling you all in a minute's time.

SHRI VASANT SATHE: Everyday he is getting up and he goes on making some submissions.

SHRI JYOTIRMOY BOSU: Sir, the other day, you accepted this procedure in your wisdom that when an adjournment motion was there you wanted to be satisfied. The Minister was then asked to make a statement.

MR SPEAKER: This is no point of order.

SHRI K. P. UNNIKRISHNAN (Badagara): May I respectfully make a submission and put a question to the Chair. What I want to know is—for the last 25 minutes we have wasted the precious time of the House on an unnecessary question. (*Interruptions*)

The basic question is whether an adjournment motion has been moved and, if so, whether you have given your consent under Rule 56. The House is entitled to know from you if you have given permission. If you have not, then there is no question of any procedural discussion.

MR. SPEAKER: Hardly I sit down when this starts going. I was expecting that some peace might prevail This is now a daily phenomenon and I am used to it. You know the plight of procedures in this House and the distortion of procedures that takes place in this House and how I feel helpless and sad over it.

So far as the List of Business prepared by the Secretary is concerned, that is all right. But there are some other motions which come after this agenda is printed. We have fixed a time-limit for that. So, they come within that time and they are scrutinised by the Speaker. It is all in the name of the Speaker but it comes through various Sections and with the noting of the Secretary-General. Then the Speaker sits over to decide which are admissible and which are not admissible. It does take place very often when they come to the Speaker there should be no names mentioned so that the Speaker may not get biased but the Members come to the Speaker in spite of that. In the same way in the case of adjournment motions Members come in his Chamber and explain the position and the Speaker also tells them what is the flaw, whether it is acceptable. or not acceptable. If there is any objection he asks the Member how he meets it. Then if he holds an adjournment motion in order or the privilege motion in order

[Mr. Speaker]

he gives consent to it and the Secretary-General puts a slip on the Speaker's agenda which is before me. This is also one of the motions for which the Speaker has given the consent and the Speaker calls that Member either for Privilege or for the adjournment motion or for anything else as the case may be. It has also been a practice in the past that where the Speaker thinks that the adjournment motion should not be allowed, he may read it. This practice is coming from my predecessors. To avoid these adjournment motions, the innovation of calling Attention was introduced. Besides this, another innovation came into being. Members were given opportunity to raise matters under Rule 377. This is of course not mandatory. Speaker gives chances to Members to raise matters of importance. All this was done to avoid this practice of giving adjournment motions and that had a great effect of reducing the number and the practice of giving adjournment motions, which have now started coming in larger number in spite of those innovations and departures from past practice. If I hold it not in order and if the Member wants to be heard, as a matter of right, I have always said 'No' to it. And, if I think that the Member may have some pressing matter, I allow him as well as the Minister if I think that he should also make his submission. This has occurred in this House, though it is not strictly according to the letter and the spirit of the rule. This, I do only sometimes. But, it will be very difficult for me to do it every day, not in one case, but in a number of cases. I quite agree with the leader of the Jan Sangh party, Shri Atal Bihari Vajpayee, being the end of the Session, they had no other opportunity. But, I may tell you, the Session was to have concluded on 30th August. But, some official business was left unfinished and we thought that by having another three days of sitting, we will be able to complete the official business. But, in spite of our best intentions, may be on both sides, we could not complete the official business. You may have many matters arising every day. You may have many differences of opinion arising every day but, I would just appeal to you, very humbly, as my dear colleagues, friends and hon. Members of this House that the differences howsoever unacceptable they may be, should not come in the way of business being taken up and then we go on shouting, counter shouting and the Speaker also intervening. We must not do it. But, I am not averse to the opinion expressed by hon. Member, Mr. Vajpayee, that instead of going through all other motions and all other complicated subterfuges from this side or that side for discussion, I may allow on one day, one or two hours to Members to raise all sorts of matters and thus save the House of the loss of time, instead of doing it every day. Please sit down. I am very sorry, you refuse to understand things. In spite of my request, you deliberately refuse to accept my suggestions

SHRI JYOTIRMOY BOSU: 50,000 people m one district alone are facing starvation.

MR SPEAKER: In the session you have been provided with an opportunity to discuss all sorts of things. The rules do not permit their discussion again in the same session. How can you do it?

SHRI C. M. STEPHEN: Sir, I suggest that anything which is raised here without permission should not go on record.

MR. SPEAKER: I will go ahead with the business. I will refer to whatever motions are before me.

Before I take up the motions, let me state that Shri S. M. Banerjee has written to me that one of our distinguished colleagues. Dr. Karni Singh has got for us the first silver medal in trap shooting. It is a great honour to the country. That news is so well received and so relieving when we are losing on other sides. I am particularly very happy that he comes from the National Rifle Association of India of which I happen to be the President.

So, you can congratulate me also that at least my Association has produced a man who has got a silver medal for India.

श्री अटल बिहारी वाजपेयी : सिल्वर मैडल के लिये तो हमने बधायी दे दी लेकिन अभी तक एक भी गोल्ड मैडल नहीं मिल सका, इसका अफसोस कौन जाहिर करेगा ?

अध्यक्ष महोदय : वह भी मिलेगा ?

श्री मधु लिमये : अध्यक्ष महोदय, मेरी एक प्रार्थना है । अभी आपने फर्माया कि मैं एडजार्नमेंट मोशन्स पढ़कर सुनाता हूं और कारण बताता हूं तो तीन चार एडजार्नमेंट मोशन्स आप पढ़िये और कारण बताइयें जससे हमको संतोष हो जाये ।

MR. SPEAKER: I must say that today I had to go to Colombo in Shri Lanka to participate in the inaugural ceremony of CPA conference tomorrow by the President of Shri Lanka. The financial business had not yet been completed by the House and it has to go under the signature of the Speaker. I could not go until that is over. So, through your kindness, I have cancelled my visit. I thank you very much for detaining me here.

I will now come to the adjournment motions. There is one by Shri Atal Bihar Vajpayee and Shri Jaganatharao Joshi wihch says:

> "Situation arising out of the resignation of Mr. M. M Seervai, Advocate General of Maharashtra on the ground that the Minister of Law in the State was undermining the position and authority of the Advocate General under the constitution."

This is their State matter. How are we concerned with it

There is another one by Shri S. M. Banerjee which reads:

> "Immediate need to discuss unprecedented rise in the prices of sugar, wheat, rice, vanaspati and other essential commodities after **anti inflationary measures taken by** the Government from July 1974 and Government's complete failure to check the prices."

I have already disallowed it yesterday and asked the Minister to make a statement as early as possible, before we adjourn.

There is one by Shri Atal Bihari Vajpayee about the Delhi University.

SHRI ATAL BIHARI VAJPAYEE: It is about the teachers of the Delhi University. It is a Central University.

MR. SPEAKER: It reads:

> "Government's failure to provide statutory security to Delhi University Teachers leading to intense discontent among the teachers, mass protests and courting of arrests by many of them."

I have always held, and followed the precedent from the past, that in such cases where these are autonomous bodies except for broad policy matters we do not discuss their internal matters. Once I do it then the Legislatures in the States will start quoting me in the case of their Universities, and that will lead us to further complications. When I face the Speakers of the States in the Presiding Officers' Conference I have to quote the ruling which I cannot, if they are wrong. You cannot deny the fact that all the universities are autonomous.

श्री अटल बिहारी वाजपेयी : अध्यक्ष जी, हम यह नहीं चाहते कोई हस्तक्षेप करें यूनिवर्सिटी के मामले में । लेकिन पार्लियामेंट ने कानून बनाया है और शिक्षा मंत्री को उस कानून में संशोधन करना है । वह आश्वासन भी दे रहे हैं कि संशोधन किया जायगा । वह सदन में आ कर आश्वासन दे सकते हैं । अभी दिल्ली यूनिवर्सिटी का एक डेपूटेशन प्रधान मंत्री से मिला था और उन्होंने कहा था कि विचार हो रहा है । तो आप शिक्षा मंत्री को कह सकते हैं कि एक स्टेटमेंट करें ।

MR. SPEAKER: The next one is by Shri Madhu Limaye, which reads:

"The total failure of the Government to fulfil its assurances given from time to time that there shall be no victimisation against the railway workers as also its failure to declare immediately that it will abide by the decision given by the Calcutta High Court cancelling the orders of removal/suspension from service and not involve thousands of poor workers in costly and time-consuming litigation and appeals to the Supreme Court."

I am reading this because it is the fag end of the session. So, this should not be taken as a precedent. So far as this subject is concerned, it has been discussed in this House already a number of times.

श्री मधु लिमये : यह हाई कोर्ट का जजमेंट परसों आया है । इसके ऊपर अगर आप चर्चा नहीं करते है तो प्रधान मंत्री या रेलवे मंत्री बयान दे इसके बारे में ।

MR. SPEAKER: If there are any points which have not been discussed earlier, then I will look into them.

PROF. MADHU DANDAVATE: Yesterday the Deputy-Speaker has said that the Government should make a statement.

MR. SPEAKER: The next one is by Shri Samar Guha, which reads.

"Failure of the Government to agree to a discussion on the motion admitted by the hon'ble Speaker for setting up a Parliamentary Committee to probe into the matter of giving licence to some traders on the basis of a joint recommendation by 21 Members of Parliament, a matter which involves a basic issue of confidence of the people in the institution of Indian Parliament and which relates, further, to the question of dignity, honour and integrity of the representatives elected by them."

This was already before the House and this comes up every day. Why have an adjournment motion?

SHRI SAMAR GUHA (Contai): I have given notice of the motion on a technical ground. You have admitted the motion. I have before me four papers which have written the most devastating editorials.

MR. SPEAKER: Then the motion given by Shri Bhogendra Jha reads:

"Large-scale arrests in Delhi and other states and Union territories of volunters demanding end of hoarding, black-marketing and abnormal price-rise."

If some arrests have taken place, you can ask for information. It is not a matter for adjournment motion.

SHRI H. N. MUKERJEE (Calcutta-North-East): Dehoarding operations were undertaken by the people because they were called upon by the Government to assist them in the operations. Now they are arrested.

SHRI BHOGENDRA JHA (Jainagar): The Prime Minister made that appeal to the people. But the Home Ministry acts the other way. Is it one Government or two Governments?

MR. SPEAKER: Then, the motion given by Shri Jyotirmoy Bosu says:

"Government's failure to present the report on the business for the week due to continued complete dead-lock created by them in the Business Advisory Committee..."

He has given another motion also, which says:

"Government's failure to supply rice and wheat to West Bengal; as a result the rationing system is about to collapse."

I do not understand how the same member can given so many adjournment motions on the same day. Probably he thinks, if this is not accepted, that may be accepted Don't make a fun of it About this also, we should have some rule as to how many motions a member can give Then he says, "Hundreds of Starvation deaths all over the country"

इस पर तो अभी उस दिन अलाऊ किया डिस्कशन ।

Now, about the first item, Mr Piloo Mody's privilege motion is already pending before the House Mr D. C Goshwami was on his legs

SHRI SAMAR GUHA My adjournment motion concerns a motion that you have admitted

MR SPEAKER No, please I have called Mr Goswami

SHRI SAMAR GUHA On a point of order, Sir

MR SPEAKER Is it connected with the business before us?

Interruptions

श्री शंकर दयाल सिंह (चतरा) : मैंने 377 के अन्तर्गत नोटिस दिया है कि काठमाडू म भारतीय दूतावास के सामने प्रदर्शन हो रहे है और अशोभनीय नारे लगाये जा रहे है और तरह तरह की चीज हो रही है तो उस बहस का मौका दिया जाए । आप इन लोगो की बात तो सुन लते है लेकिन हमारी बात पता नही क्यो नही सुनी जाती है ।

(व्यवधान)

MR SPEAKER It is no point of order I have already gone to the next item

आप रोज इसी तरह से करते है । थोडा सा रहम तो करे । आप लोग क्या करते है ।

SHRI SAMAR GUHA I do not know whether the skin of the Members of Parliament has become so thick as that of the rhinoceros to-day Almost all the dailies of Calcutta—hardly one can imagine—have dritten such devastating editorials about this licence scandal They have accused us, they have called us suspects For that reason a motion was brought before the Parliament to clarify the position and at least to see that the image of the members was cleared You have admitted that motion but that motion was blocked by the Minister of Parliamentary Affairs

MR SPEAKER I gave a ruling yesterday that the motion is blocked How does an adjournment motion come out of it?

SHRI SAMAR GUHA No resolution is admitted by you in the name of consultation with the Leader of the House This imperial prerogative cannot go on But for that, my adjournment motion is perfectly in order You should give reasons for disallowing it Every day every paper is writing about us What kind of editorials do they write—have you gone through them? The *Times of India*, the *Hindustan Times* the *Statesman* and the *Indian Express*—have you gone through their editorials? It is stinking If we go out, people will lynch us They will lynch the Members of Parliament Unless our image is cleared, people will lynch us Will you, Mr Speaker, give us protection? Our honour is at state

Interruptions

MR SPEAKER May I request you to please allow the House to go on with its business?

श्री मधु लिमये : "अध्यक्ष महोदय, श्री समर गुहाने अभी कहा है और वे जो इतना

[श्री मधु लिमये]

उत्तेजित हो गये उसका कारण यह था कि इस सदन की प्रक्रिया के विपरीत काम हो रहा है। आप मेज पार्लियामेंटरी प्रेक्टिस, मेज 238 पर देखिये।

अध्यक्ष महोदय : वह तो डिस्कस हो चुका है। यह तो कई दफा आ चुका है।

श्री श्यामनन्दन मिश्र : इनकी खिदमत करे, अपने मोशन को यहां पर न लाय और घर जा कर छुट्टी करें, आप की क्या मर्जी है।

श्री मधु लिमये : आप मेरी बात सुन लेते तो रास्ता निकल आता है।

अध्यक्ष महोदय : आप को क्यों छुट्टी करनी है। मैं ही छुट्टी ले लूं, तो जो दूसरा आयेगा, वह इस काम को करेगा। आप छुट्टी क्यों ले ?

SHRI SHYAMNANDAN MISHRA: We are exercising our authority that our motion must be brought up and discussed in the House. You are belittling, but hon. Members will never belittle, the authority of the House.

श्री अटल बिहारी वाजपेयी : आप सरकार से क्यों नहीं कहते कि इस पर बहस कर ली जाए। (व्यवधान) आप ने रूलिंग नहीं दी कि कंसलटेशन का क्या मतलब है ? क्या "कंसलटेशन" का मतलब "कंसेंट" है ?

MR. SPEAKER: It has been the past practice—the Business Advisory Committee meets and Government puts its point of view there.

श्री मधु लिमये : मेरा प्वाइंट आफ ऑर्डर है। अध्यक्ष महोदय, अगर आप मेरा प्वाइंट आफ आर्डर सुन लेते तो रास्ता निकल आता।...(व्यवधान)...

हमेशा के लिये यह मामला खत्म हो जाएगा, आप मेरी बात तो सुन लीजिये।

श्री हुकम चन्द कछवाय (मुरेना) : आप इस पर चर्चा क्यों नहीं करवाते है। अगर आप इस पर चर्चा नहीं करायेंगे तो यह मामला रोज उठेगा।

(Interruption)

MR. SPEAKER: All of you may please sit down.

SHRI P G. MAVALANKAR (Anmedabad): Mr. Speaker, Sir, while I can quote more than one rule from the rules of procedure, I have no wish to do that. What I see for the last 3 or 4 days is this. I don't want to go into any technicalities. But from what has been happening I have been feeling very much concerned and disturbed. The role of the opposition is to oppose vigorously and sharply and continuously, but not to obstruct. If its role is to oppose and not to obstruct, then in the same way, the role of the Government is to govern and not to dictate. They can settle their scores outside the House, but let not the procedure of the House, the conventions of the House be wrongly used. I have been watching that the rules are being perverted, by both sides of the House, and you have become almost helpless and this sort of debate is continuing You yourself said that a certain matter is a State matter. You said also that these are more or less subjects falling within the State jurisdiction Now, the point is, what is the remedy in the hands of the opposition. Because, Sir, they legitimately want to ventilate certain grievances. For the past somedays there is no provision for submission under rule 377, there is no half an hour discussion, there is no Calling Attention There is no other means of ventilating public grievances and derands, Sir.

12 hrs.

Therefore, intelligently and inganiously, and much against your advice the Members are coming over here

again and again by trying to use wrongly the rules laid down in the Rule of Procedure Therefore, I request m all sincerity that in the last two days available you may please see that you call the meeting of the Business Advisory Committee as early as possible Sir, I am feeling disturbed at what is happening here these days, and so you will kindly cell the meeting of the Business Advisory Committee immediately, and let it go into the whole matter And, for the remaining two days you will please see to it that we are permitted and enabled to raise matters under some rules which will make it possible for us to express the public grievances here rightly and legitimately

Now I am sorry to say that you want us to speak on anything inspective of rules It is good that you will give us one or two hours every day in this regard But we should speak under the rules To find a way out of the present difficulties, do not want to change the rules and conventions followed by this Parliament For the last twentyseven years, this House has been carrying on a democratic experiment which is an envy of the developing as well as the developed world Let it not be twisted

I want to conclude by my submission on a point of order Please bring out something which will enable the Members of Parliament be longing to all sides of the House—Congress Opposition, Indipendetent etc—to raise the matters which are legitimately within their rights All this trouble has come because of the Government's dogmatic, rigid and inflexible insistence on not having a Parliamentary Probe in the matter of alleged 21 signatures of M.Ps I should have thought that this matter is so important that you, Mr Speaker, in your good faith and fair sense, *suo-motu* come forward for the Parliamentary probe You are our friend, philospher and guide sitting in this August Chair and it is my duty to tell you that you, Mr. Speaker, should come *suo motu* in this House and propose immediately a Parliamentary probe.

MR SPEAKER If you were the Speaker given this *suo motu* power under the rules, I am sure, you will be the first person to object to it.

SHRI P G MAVALANKAR: You are the protector of the dignity of the entire House So, you can do it even if the majority says 'no' You, as Speaker, must do this taking into account the dignity of the House That is my submission

श्री मधु लिमये : आपने कहा है कि 190 के तहत सरकार और विरोध पक्ष की रजामन्दी से होती है। अगर मान लीजिये रजामंदी नहीं हुई तो क्या रास्ता है। मैं अपाजिशन के राइट्स के बारे में एक कोटेशन आप को देना चाहता हूं

"Since the strength of modern party discipline makes a ministry largely invulnerable to direct attack in the House of Commons, the criticism of the Opposition is primarily directed towards the electorate, with a view to the next election, or with the aim of influencing government policy through the pressure of public opinion The floor of the House of Commons provides the Opposition with their main instrument for this purpose Accordingly, the Opposition by usage has acquired the right to exercise the initiative in selecting the subject of debate on such occasion as the debate on the Address in reply to the Queen's Speech, on motions of censure and supply days"

यह प्रावधान इसलिये है कि हम लोगों को अविलम्बनीय लोक महत्व के विषय पर चर्चा करने का मौका मिले। इस वक्त और कौन सा मौका है इस पर चर्चा करने का। इस लिये या तो 190 के तहत लीडर आफ दी हाउस से सलाह करके हमारा प्रस्ताव ले ले

[श्री मधु लिमये]

या फिर अगर कमलटेशन का मामला ही खत्म करना चाहते है तो आप एडजर्नमेट मोशन ले लीजिये जिसके ऊपर आप को सदन नेता या प्रधान मंत्री से कसल्ट करने की कोई आवश्यकता नही है । यह मामला बार बार उठता रहेगा । इसलिये आप हमारे अधिकारों की रक्षा करने का काम करे ।

MR. SPEAKER: I gave my ruling yesterday. In such motion where you do not come to an agreement in the Business Advisory Committee the Speaker does not come in and that cannot be circumvented by another procedure because it will be setting up a bad convention.

(Interruptions)

श्री अटल बिहारी वाजपेयी : यहा बहस न होने की बजह से आज यह सारा सदन, सारी पार्लिमेट जनता की नजरो मे अप्रतिष्ठा का विषय बन गई है । अब आप ही बताइये कि क्या रास्ता है ?

अध्यक्ष महोदय मेरे पास कोई रास्ता नही है ।

श्री अटल बिहारी वाजपेयी : क्या आप यह चाहते है कि अपोजीशन यह तय करे कि जब तक इस पर बहस नही होगी हम और कोई काम नही चलने देगे ? क्या आप चाहते है कि हम इस हालत तक चले जाय ? आप ने एडमिट किया है ।

अध्यक्ष महोदय : अगर आप लोग जो प्रोतीजर मे चीज दी हुई है जिसके बारे मे आपको कुछ अखत्यार है और उनको भी है और आप आपस मे किसी बात पर एग्री नही करते है तो उसका मतलब यह नही है कि सारे हाउस को रोक दिया जाए——

श्री अटल बिहारी वाजपेयी : यह मामूली बात नही है ।

अध्यक्ष महोदय : इस तरह जिद करने लगे तो कहां पहुचेगी बात ।

श्री अटल बिहारी वाजपेयी : रेमेडी बताइये हम क्या करें ?

अध्यक्ष महोदय : मेरे पास कोई नही है । एक ही है और मैंने उसका इस्तेमाल करके बिजनेस एडवाइजरी कमेटी की मीटिंग आज बुला दी है । वहा उन से बात कर लीजिये । मेरे पास अगर कोई और रेमेडी हो तो मैं एक मिनट मे उसको इस्तेमाल मे ले आऊ ।

SHRI SHYAMNANDAN MISHRA: Sir, I rise on a point of order We are really in a situation in which the Chair should extend some sympathy to us. We are in the midst of an anarchy so far as the proceedings of the House are concerned.

MR. SPEAKER: My full sympathies are with you but I am not in a position to find the rule under which I can allow you.

SHRI SHYAMNANDAN MISHRA: You have been pleased to say that since the Business Advisory Committee has not come to any agreed conclusions, there is no remedy open to us. Then how to get our subjects, on which we feel strongly discussed in the House. May I ask, you, since you happen to be the Chairman of the Business Advisory Committee, why have you chosen it to be necessary to abdicate your functions.

The BAC is an instrument which the House has created for settling the agenda of the House and for allotting time for each item of the agenda of the House.

But, this instrument has fallen into disuse. This instrument is being assisted to a peaceful demise by no less a person than the hon. Speaer. Now, may I ask you, therefore, if you have

allowed this institution to go into disuse, what is the way in which this House will function? This House has no other way of functioning. But, we do not implore you to get a meeting of the Business Advisory Committee called because I read sinister looks in the faces of some hon'ble Members. They think that we are trying to implore you for a meeting of the Business Advisory Committee. We certainly do not ask you to call a meeting of the Business Advisory Committee, if you don't feel like calling it. But, here is your function—of necessity we have created an institution like this—to get a meeting called. If you are not trying to do that, then, Sir, we, as representatives of the people have certain duties by the people and we will see to it that those duties are served by us, in spite of the Chair not taking upon itself the functions which we had assigned to it, in the spite of the fact that the Government remains obdurate on many of the public issues and they are very insensitive and impervious to the public criticism.

(*Interruptions*)

SHRI H. N. MUKERJEE: Sir, you admitted notice of a motion under Rule 189 and no date has been fixed for the discussion of such a motion. But, it was notified according to the rules under the heading 'No-Day-Yet-Named Motion'. Sir, Rule 190 is very specific:

> "The Speaker may, after considering the state of business in the House and in consultation with the Leader of the House, allot a day or days or part of a day for the discussion of any such motion."

meaning the motion on which the notice has been admitted by you. You may choose not to do so. You may tell us that you are choosing not to do so. But, that is a different matter. The Business Advisory Committee is not coming into the picture. As far as I can understand, the Business Advisory Committee is bound by Government's specifications of certain business they allot time for it. The Business Advisory Committee as such arrogates to itself some extraordinary functions and I am suspicious—I am beginning to be suspicious—I am beginning to be suspicious—of the confabulations which go on there to the detriment of the House in general and to the benefit of individual Members. I am sorry to have said that. But, that apart, you are invested with the power that you can do so. You have admitted the notice. You have publicised it. It is your admission which has attracted publicity all over the country. It is a different matter if that kind of accusation is made against whoever it is, a Minister or a Member of the House, and it is not thrashed out. But, publicity was given in all the Indian newspapers. Your bulletin carried the news of your admission of the notice of the motion. Having done so, you are under a moral obligation, as far as I I can see the morality of it to exercise your power under Rule 190. The Business Advisory Committee may be blown. Speaker can himself do so under Rule 190.

SHRI S. M. BANERJEE (Kanpur): Sir, as I said yesterday, my point of order is on Rules 189 and 190. Sir, kindly hear me.

MR. SPEAKER: You are repeating.

SHRI S. M. BANERJEE: Sir, kindly hear me for two minutes. Sir, when notice was given under Rules 193, 184 and 186, I thought that that will be confined to the Business Advisory Committee and sweet will of the Business Advisory Committee. That is why, I sought to give a notice under Rule 189, with the help of other Opposition Members including Mr. Shyamnandan Mishra, Mr. Vavalankar Mr. K C. Halder, Prof Madhu Dandavate, Mr. Bade, Mr. Hukum Chand Kachwai, Mr. P. K. Deo and Mr. S. P. Yadav. We moved a motion under Rule 189 which has been very correctly quoted by my hon. and respected friend, Prof. Mukerjee. He quoted Rule 189. It says.

[Shri S. M. Banerjee]

"If the Speaker admits notice of a motion and no date is fixed for the discussion of such motion, it shall be immediately notified in the Bulletin with the heading 'No-Day-Yet-Named Motion'.

I am quoting the Lok Sabha Bulletin dated 31st August, 1974:

"The Speaker has admitted the following motion under rule 189:

That this House resolves to constitute a Committee of the House consisting of 15 Members to be nominated by the Speaker to undertake an enquiry to identify the persons, circumstances and factors that have tended to lower the dignity of the House as a whole as a result of the alleged association of the names of some Members of the House with the letter of recommendation for the grant of licence to the parties referred to in the reply to Starred Question No. 730 in the Rajya Sabha on the 27th August, 1974."

This motion does not mention the name of this or that minister nor does it mention the names of those 21 members. If a calling attention notice is allowed, I would have done that. But it is not being allowed. This paper says:

क्या प्रतिपक्ष के सदस्य लोक सभा व राज्य सभा में पूंजीपतियों व मंत्रियों के दलाल नहीं हैं ;

I would request you to allow a discussion and uphold the parliamentary democracy, so that we are able to prove that we are not as corrupt as the people think.

SHRI JYOTIRMOY BOSU: Sir, rule 190 says:

"The Speaker may, after considering the state of business in the House, and in consultation with the Leader of the House, allot a day.." etc.

It is not "shall". You may or may not consult the Leader of the House; it is not obligatory on you to consult.

MR. SPEAKER: I have explained the position a number of times. I have nothing to add to what I said yesterday that there has not been a single occasion in the recent history of this Parliament when the Speaker *suo-motu* fixed the time without putting it before the Business Advisory Committee. If I depart from it today and accept one, tomorrow again they will come for that; day after tomorrow, again they will come and I will be opening something which I will not be able to stop. So, I am not going to do it. I have no power. It has never happened in the history of this Parliament.

SHRI MADHU LIMAYE: I will give you a precedent.

MR. SPEAKER: Everything is discussed in the BAC, the report of the BAC is brought before the House and adopted by the whole House, as a recommendation of the whole House.

SHRI SHYAMNANDAN MISHRA: What is the rule?

MR. SPEAKER: I am telling you the practice. The recommendations of the BAC are accepted by the whole House. Now you say that the Speaker can do it. Tomorrow the Speaker will do something which will not be liked by the other side. We will also be setting up a bad precedent. You are not doing any service to the House by suggesting such things. As suggested by some members, in the BAC I will provide an opportunity for both sides to meet again. So far as the other suggestion is concerned, I will never acept it.

AN HON. MEMBER: Why not accept the adjournment motion?

MR. SPEAKER: No, I cannot accept it as an adjournment motion. I do not want to establish any such conventions. I am not going to bring as an adjournment motion what is not agreed upon by the BAC. We will meet in the BAC and I will try to mediate. Beyon that, I cannot do anything. So

far as this is concerned, it is over. Now, Shri Shankar Dayal Singh.

SHRI SAMAR GUHA: Sir, on a point of order.

MR. SPEAKER: Kindly, done not obstruct the proceedings.

श्री शंकर दयाल सिंह : अध्यक्ष महोदय, वास्तव में जो कुछ इस सदन में आज कल हो रहा है, सदन से अधिक बाहर इसकी चर्चा और चिन्ता है। मावलंकर जी ने भरे गले से जो कहा है—वे जब बोल रहे थे तो उनकी आवाज उनकी आत्मा, उनकी जुबान में उनके स्वर्गीय पिता जी का स्वर गूंज रहा था। म यही चाहता हूं कि आप जिन को बुलायें, वे ही बोले, दूसरे शान्ति से सुने तब ही समझ में आ सकेगा कि कौन क्या बोल रहा है, सुननेवाले भी समझेंगे कि क्या कहा जा रहा है। हम लोगों को लाचारी से उठकर क्यों इन्टरप्ट करना पड़ता है—इसलिये कि आप जिन को नहीं पुकारते हैं, वे अपनी बात कह देते हैं और हम लोग आप के आदेश को मान कर चलते हैं इस लिये मारे जाते हैं। इस लिये, मान्यवर, मैं आप का ध्यान रूल...

अध्यक्ष महोदय : मैं जिस को बुलाता हूं उसी की बात रिकार्ड होती है। जिस को स्पीकर नहीं बुलाता है और वह शोर करता है, बोलता है, तो उसके कोई मायने नहीं हैं।

श्री शंकर दयाल सिंह : मैं भी मान्यवर, आप से यही निवेदन कर रहा था कि हम लोग भी कुछ तत्व की बात कहना चाहते हैं, लेकिन इस शोर में सारी बातें हास्यास्पद हो जाती है। आप समझते हैं कि ये लोग शायद ऐसे ही चिल्ला रहे हैं। अच्छी बात भी कहना चाहते हैं तो चिल्लाहट और शोर शराबे में हमारी बात दब जाती ह। म आप का ध्यान रूल 56 की ओर ले जाना चाहता हूं....

अध्यक्ष महोदय : मैं इस मामले को खत्म कर चुका हूं—आप फिर क्यों उठा रहे हैं ?

श्री शंकर दयाल सिंह : मैं इतना ही निवेदन करना चाहता हूं कि आप 377 को जरूर एलाउ करें। इस लिये एलाउ करें कि अगर कोई जरूरी बात हो तो सदस्य 377 के अन्तर्गत उस को रख सके। जैसे काठमांडू में भारतीय दूतावास के सामने जो प्रदर्शन हो रहे हैं, उसके संबंध में विदेश मंत्री जी का बयान सदन के सामने आना चाहिये।

MR. SPEAKER: Mr. D. C. Goswami.

SHRI DINESH CHANDRA GOSWAMI (Gauhati): Mr. Speaker. Sir, on the last occasion in the inconclusive dobate....

SHRI SAMAR GUHA: Sir, on a point of order.

SHRI DINESH CHANDRA GOSWAMI: The Speaker has called me.

MR. SPEAKER: I have called Mr. D. C. Goswami to continue his speech. We are on item 1 of the Business.

SHRI SAMAR GUHA: Sir, I am on a point of order.

MR. SPEAKER: On what?

SHRI SAMAR GUHA: You have permitted another member....

MR. SPEAKER: I did not permit him to say anything under rule 377.

SHRI SAMAR GUHA: You tolerated him.

MR. SPEAKER: He wanted to raise a matter under rule 377. I said, 'No'. Now I have called Mr. Goswami for the first item on the order paper.

SHRI SAMAR GUHA: On my Adjournment Motion....

MR. SPEAKER: No question of Adjournment Motion now. I am not allowing. I have already given my ruling. I have now called Mr. Go-

[Mr. Speaker]

swami for the first item on the order paper.

श्री अटल बिहारी वाजपेयी : अध्यक्ष जी, मैं प्रो० समर गुह से अपील करता हू कि वे इस मामले को आगे न बढ़ाये। आप ने कहा है कि बिजनेस एडवाइजरी कमेटी शाम को बैठेगी, आप उसमे कोई रास्ता निकालने की कोशिश करेंगे। हम उसके लिये मौका देना चाहते हैं। रास्ता नही निकला तो हम क्या करेंगे उस को बाद मे तय करेंगे। आज इस मामले को तूल नही देना चाहते है।

MR. SPEAKER: Mr. Samar Guha, please sit down. I have gone to the next item.

SHRI SAMAR GUHA: I want to draw your attention to one thing. This matter is not confined to the four corners of the Parliament only. It has gone outside. The dignity and honour is threatened. . .

MR SPEAKER: Please do not interrupt. I have gone to the next item.

Shri Dinesh Chandra Goswami.

SHRI SAMAR GUHA: It is more necessary that you should take a very careful consideration. Otherwise, a number of M.Ps. may be slaughtered outside, they may be lynched. I want to draw your attention that any time they will lynch us. That is the reason why I have given the adjournment motion.

12.30 hrs.

QUESTION OF PRIVILEGE—*contd.*

CERTAIN NEWS REPORT PUBLISHED IN 'PRATIPAKSHA' A HINDU WEEKLY.

SHRI DINESH CHANDRA GOSWAMI (Gouhati): On the last day in this inconclusive debate, when I was on my legs, I condemned in no uncertain manner Mr. Fernandes in whose paper this filthy news item was published. Of course. I am not surprised because I cannot expect anything better from him because character assassination is the only and last political weapon left in his hands. I also pity him because I know that this news item is the result of a deep-rooted frustration in his mind and I do not want to go into the causes of frustration because if I go into it, I will be only throwing a stone into the harnet's nest and already we have enough trouble in this House. Therefore, I would not like to enter into another controversy.

My only submission is that by this filthy item Mr Fernandes has not denigrated this House, he has not denigrated any one of our Party members but has denigrated himself and those of his colleagues who have inspired him to make this statement. They have denigrated themselves. There is a saying in my language that when you spit upwards, it falls on your face, and exactly that has happened.

The Opposition may ask that if I feel so strongly about this filthy news item, why is it that I am not in a straight manner accepting the motion of Shri Piloo Mody? I have deeply pondered about the whole thing. I would like to place certain submissions before the House. What is the purpose and task of the Privileges Committee. The Privileges Committee's function is to guard against the violation and for restoration of the privileges. The Privileges Committee does not sit as a court We want to utilise the Privileges Committee in order to safeguard the dignity and honour of this House. I pose the question before the House. Whose duty primarly is it to maintain the dignity and honour of this House? The primary duty of maintaining the honour and dignity of this House rests with us, because, if the entire country even

wants to maintain the dignity and honour of this House, but if we are not capable of maintaining this honour and dignity, then at no point of time. the dignity and honour of this House will be maintained. Therefore, from that point of view, when I pondered about the whole thing, I find that we have no moral right to accept the motion of Shri Piloo Mody because it is my categorical charge that this writing is a collusive writing. If this writing had come from any individual newspaper-man, I would have immediately supported, but when I see behind this writing, there is a collusion in which, unfortunately, some parties or some Members of this House itself have become a party..

SHRI PILOO MODY (Godhra): Name them.

SHRI DINESH CHANDRA GOSWAMI: . have we got any right to ask that this man should be condemned and should be punished before the Privileges Committee? I pose an illustration. Supposing, I have got a beautiful garden, owned by myself and three of my co-owners, and all of us maintain it and want to protect the beauty of that garden Now, if a thief enters into this garden and steals, undoubtedly I have the right or any one of the co-owners has the right to approach a court of law legally and morally to punish the culprit. But, if I myself or any of the co-owners opens the gates. allows the thief in and permits him to pluck the flowers, then have I a right or has the co-owner a right to go to the court of law asking punishment of the thief? This is exactly the position So, the Opposition Parties whose conspiracy has led to this filthy news item has no episode. Mr. Piloo Mody has brought this denigration and I shall prove it. Today you do not know what you are doing to this country But remember, you are striking a great blow to the fundamental concept of democracy of this country.

SHRI PILOO MODY: I would like him to prove it today. Why don't you prove it today?

SHRI DINESH CHANDRA GOSWAMI: I have said, this is an inspired article. Mr. George Fernandez has denigrated members of the House in various languages. In his motion Mr. Piloo Mody does not have a word about the most important part of this statement He says about L. N. Mishra. he says about the Prime Minister.

SHRI PILOO MODY Read it, don't translate it Now he is called upon to read it in toto.

SHRI DINESH CHANDRA GOSWAMI: While replying you can read it and establish whether what I say is false

SHRI PILOO MODY: His name should be added to the twenty-one.

SHRI DINESH CHANDRA GOSWAMI: When he describes the whole House and when he says about Members, the Members of the Opposition are also included in it. But Mr. Piloo Mody has become so magnanimous that he does not want to include that part by which he is denegrated in his motion.

SHRI PILOO MODY: This is your motion and not my motion. This is the notice converted into a Motion, that was on your bidding, Mr. Speaker.

MR. SPEAKER: May I again convince you that notices have to be put in the form of proper motions?

SHRI PILOO MODY· You can convince me in the chamber, but over here, we are at the moment, confronted with Mr. Goswami.

MR. SPEAKER: I ask you to read the rules and then make your observations.

SHRI PILOO MODY: I never read the rules.

MR. SPEAKER: You never read the rules?

SHRI DINESH CHANDRA GOSWAMI: Sir, we want to maintain the dignity and decorum of the House personally speaking, I have come to this Parliament with great hope. I am proud as a parliamentarian. I do not want something to happen which will hurt my pride. But at the same time I appeal to the opposition that we can never do it by remitting this matter to the privileges committee. The responsibility primarily rests with us. This is a conspiratorial device in order to malign the congress party. It not only hurts us, it also hurts them too. We can understand the purpose. The purpose was to bring the issue regarding the 21 members to the privileges committee. Specifically this issue has nothing to do with the other matter and this is a separate issue. They have tried to combine it somehow or other. They have failed directly to bring the matter of licence episode before the Privileges Committee. So. they are resorting to this sort of indirect method. If the House has already decided that it does not permit something to go to the Privileges Committee in a direct manner, how can the Opposition expect that it can be allowed to be sent before the Privileges Committee, in an indirect manner through a collusive and conspiratorial device?

This cannot be sent to the Privileges Committee, I was a Member myself in the Privileges Committee. I know that so many questions would come up in the case of the licence issue. But the Privileges Committee is concerned only with the question of merely a violation of the privileges or rights and duties of a Member. The Privileges Committee is not equipped to deal with the other questions. The Law Minister has said that it is a case of penal offence. In that case I feel, the penal offences must be dealt with properly in a court of law so that proper punishment can be meted out to the guilty persons after a thorough investigation irrespective of the fact as to whether those persons are Members of Parliament or they are outsiders. If they have committed an offence then they should be punished. If this is sent to the Privileges Committee by a mere apology they can get away with it. Therefore, I feel that this is a case which has to be gone into deeply. This being a penal offence, I appeal that only after a thorough investigation the court may arrive at a conclusion.

Lastly, before I conclude—I would say that if we really want to maintain dignity and decorum in the House, it is not that the Privileges Committee can do that. It is dependent upon the code of conduct that we may evolve. Therefore, I appeal to Members of Parliament of my party as well as the Opposition that let us evolve a code of conduct and follow it. The future of our democracy depends on our actions.

In conclusion, I would suggest that this paper, which I do not know how much circulation, hundred or per hundred, should be treated with a contempt that it deserves, without any further action because that will not lead us anywhere.

With these observations, I conclude.

MR. SPEAKER: Let me know how much time do you want for this discussion. Let Mr. Mody tell me how much time should be fixed for this discussion.

SHRI PILOO MODY: Already so many speakers have spoken. I hope I shall have the chance to reply.

MR. SPEAKER: I think two hours are all right.

SHRI PILOO MODY: That depends on the Congress Party as to how many speakers want to speak from there.

MR. SPEAKER: I think we should have some time limit. It is already fifteen minutes past one. At the most, within two hours, we should conclude the discussion. Mr. Mukerjee.

SHRI H. N MUKERJEE: Mr Speaker, Sir, this House discusses a motion which concerned, a genuinely serious matter. And, if the Parliamentary system is to have any credence, any confidence in the people's minds then it is time that this motion is discussed I shall go further and say that it is incumbent on us to accept it.

These days, it does appear as if the Parliamentary system is at the end of its tether Every day you have experienced yourself more acutely than most of us that we discover many things and one does not know where to look and how to repair the damage that has already taken place to the process of our democratic functioning.

Sir, I remember that when Shri Mody had brought up this privilege motion, there was an immediate response from all sections of the House including the Congress Party and a reference was almost decided upon when, perhaps, unfortunately, I had intervened to point out that Parliament would be very wise to make sure that this motion of Shri Mody was considered by its own Committee but that also simultaneously Parliament should take some steps to refurnish the image of our House which has been tarnished almost beyond repair by the revelations in regard to 21 Members about whom I need hardly expatiate. That led to a discussion which I now almost repent, for now the Congress party has gone back from the earlier position. The honour of Parliament demanded safeguarding on a principled basis and that required we consider these two matters simultaneously and give an impression to the country that we are not going to shield any alleged wrongdoers amongst us if their wrongdoings come to be proved as a matter of fact. But then the whole House discovered that the Congress Party had changed its mind about the reference of this matter to the Committee of Privileges. My friend Mr. Goswami, a tainted debater, appears to have made only one substantial point, that is the 'Pratipaksh' newspaper which is involved is a trivial thing and that we should not take any notice of it. That is the only substantial point that I could discover. I was not aware, till it was produced in this House, of the existence of this paper To tell you the truth I have got—a very unsavoury impression politically speaking—apart from the personal relationship—of the political activities of Shri George Fernandes. But that does not mean that this paper, therefore, be disregarded altogether as something very rotten.

Many years ago when in this House Members were agitated over the remarks about Acharya Kripalani by Blitz—I also happened to be a Member of the Privilege Committee then —I tried to point out that possibly the Blitz newspaper editor was such a colourful personality that he would welcome being hauled up because of the publicity that it would bring him and that we rather not proceed against him and give him the additional publicity The House disregarded my advice and sent the matter to the Committee of Privileges. An important report was made by the Privileges Commitee. The House decided that the paper had said certain things in regard to a Member of Parliament and it involved reflection on the character and calibre of the entire House and so this was something which should be punished by the Committee of Privileges and the House did proceed to do so. I am not prepared to concede in the slightest measure to the criticisms and argument that here is a paper which is trivial and, therefore, we should have nothing to do with it This paper for whatever it is worth has

[Shri H. N. Mukerjee]

come out with certain statements about Parliament, particularly at a point of time when in regard to Parliament there is an impression abroad that Members of Parliament and politicians in general are a black guardly set of people, when there is a campaign, perhaps motivated or whatever it is, to denigrate Parliament as a national institution.

That is all the more reason that Parliament, at this point of time, should take note of this matter and re-establish the position of Parliament rightfully, as it ought to be, in the body politic of our country. This is exactly the occasion when Parliament is called upon to exercise its authority, to reinforce its moral calibre. This is the time when Parliament has got to carry on some self examination, some self criticism, and tell the country that Parliament, even though rightly conscious of its weaknesses for human beings are frail, is at the same time, an embodiment of the will and the determination of our country to organise its political life. This is exactly the occasion when this ought to be done. When Mr. Mody put up his motion, he referred to things said in this paper to the effect that the 20 MPs who had denied the genuineness of their signatures to the licence memorandum were telling a lie. Unfortunately, that happens to be the impression in the country. Whether we like it or not, that is the impression. I dislike it entirely. I believe, I always give the presumption of innocence to my colleagues in Parliament, first of all, and even to the ordinary citizen. But, whether I believe or disbelieve, is a different matter. The impression in the country is that these Members perhaps were guilty of something wrong. The report also says that these signatures were manipulated by the Minister of Railways, Shri L. N. Mishra. Here is an unfortunate individual about whom things are being said over and over again in this House and outside and there seems to be no remedy in regard to that. Then, Sir, the front page report denounces the Prime Minister as the main source of corruption. We do not know. When Mr. Jyotirmoy Bosu, or whoever else it may be, says in the course of a debate on a No Confidence Motion that the Prime Minister is the main source of corruption, nobody objects to it. But, look, you may be wrong. That is a different matter. It has to be found out. But, nobody objects to it because it is said in the Parliament in the course of a debate on a No Confidence Motion. But, when it is said in a paper of this sort along with other things, the total picture of Parliament changes. After all she is the Prime Minister of our country. She is the leader of the House—whether she functions as such or not is a different matter. She is brought in here in this paper. This paper also goes on to say something about this House being a brothel or whatever else. I am not going to sully my tongue with reference to what this paper has said. Mr. Mody has brought out the whole miserable thing, and said that this should be sent to the Privileges Committee who will examine this matter. That has to be done.

Therefore, Sir, Parliament has been maligned. I cannot conceive of any reasons, any slightly tenable reason, why Parliament should not at once refer this matter to the Committee of Privileges. Acually, Sir, I had expected that you, in your wisdom, avoiding the kind of unsevoury discussion which had taken place in this House quite unnecessarily, would have at once pushed it to the Committee without any kind of *golemal* having taken place. But, that did not happen. Therefore, Sir, I feel that this is a matter where we are under a special liability and our responsibility is to safeguard our own dignity and our own honour. I support also the amendment put forward by my friend Mr. Madhu Limaye. I do not

hesitate to criticise my friend Mr. Madhu Limaye if I find there is some reason for it. I may be a peculiar or perverse individual. But I do so from time to time. But, Sir, what I feel is, as I have indicated last time, simultaneously with our examination of *'Pratipaksh'*—when we send the matter to the Privileges Committee, they would have to be examined; we cannot condemn a man unheard; *'Pratipaksh'* would have to be heard—we should perhaps have another sort of examination under the guidance of the Speaker. We can take whatever assistance that is needed. Parliament can requisition help from any limb of the administration. Parliament cannot be deterred from proceeding with its job merely because some department of the administration has already started an investigative process. If this had already to some extent happened, that may give some grist to the mill, which Parliament would be grinding in her own way. Every department of the administration would be under a liability to give assistance to this Parliamentary Committee. We shall have to find out ways and means. (*Interruptions*). But even though it may be that normally the Privileges Committee does not require the kind of specialised assistance which on this occasion will be necessary, since on this occasion specialised assistance and detailed investigative processes, findings and that sort of thing might very usefully be employed by this Committee for its own purposes, for parliamentary purposes, surely on a special occasion the Privileges Committee or any other Committee that you can appoint for this purpose would utilise other government departments and their activities in order to find out the truth.

I say so because today our name is mud, and if Parliament's name is to be mud, then we can imagine what sort of thing is going to happen. I have no particular love for Parliament as such. We belong to a school of thought to whom this parliamentary process smacks so terribly of hypocrisy, not only of procrastination and so many other defects, but sheer hypocrisy of a sort which merely puts a cover on things which can never be defended.

So basically we are not wedded to the parliamentary system. Most of the members of this House are wedded to the parliamentary system. If they want this system to survive, I shall not be too unhappy if the parliamentary system is found to be unworkable and we proceed in other ways in order to achieved the objectives of our people. I have had enough experience of Parliament to know that it is largely a hurdle rather than a help in the achievement of the wishes and aspirations of the people. I shall not be sorry if Parliament goes down the drain tomorrow, but as long as I am here, as long as I am committed to the policy of utilising the parliamentary apparatus for the sake of our people, I am not ready to let go of this apparatus, I am not ready to see it decline in the eyes of the people, I am not ready to accept the position that from the Prime Minister downwards every political practitioner in this country is a rogue and blackguard. I am not going to accept that proposition. But I can only have my way if there is a change in the moral atmosphere of the country.

You have to begin somewhere. Now that Parliament has been attacked so gregiously and so viciously, it is for Parliament to come forward and act. In doing so, there may be some risks. Why should the Congress Party, for instance, be so peculiarly nervous over this question of the 21 members? We heard 18 or 19 of them courageously come forward and say that they were not guilty of anything and that they wanted a full parliamentary probe. Do we not owe to these gentlemen—perhaps one or two ladies also were in that combination—do we not owe it to them to give them an opportunity of establishing their innocence? Or do we keep them han-

[Shri H. N. Mukherjee]

ging fire? Should the aura of suspicion grow and grow till the entire tribe of politicians comes under the curse of our people? Is that what we want? Or do we want to uphold the honour and dignity of Parliament?

Perhaps we shall not be able to do very much because the disease, the canker, which has gone into the vitals of political life cannot be so easily eradicated. Perhaps this sort of exercise also would lead to nothing very substantial. But as long as we are working this parliamentary system, we have got to do something in regard to this. We have to have a parmentary probe. We have to have this reference to the Committee of Privileges which on no decent computation can be opposed by anybody, Congress or any other party, whichever party he or she might belong to.

13 hrs.

So I feel that Shri Mody's motion howsoever formulated—you have a summary of it as far as item 1 of the agenda is concerned—should be referred to the Committee of Privileges and that in order to facilitate the activities of the Committee, Shri Madhu Limaye's amendment should also be accepted so that we do something in regard to the 21 hon. members whose conduct is under attack. We cannot afford to have this slur hanging over us all the time. We cannot answer the problems of the people. We cannot face our constituents when we go back. We cannot tell them why and how the working of the parliamentary system has brought us today to the dismal, melancholy and distressing pass where we find ourselves. If we cannot even answer this question in regard to the attack on the honour of Parliament, on the self-respect of members of Parliament, then our name shall be mud in a fashion which it is horrifying to contemplate. I am sorry if this might sound sanctimonious. Maybe all this talk about democracy is abracadabra; may be we dabble in hypocritical activity and pass it off as political partiotism or whatever it may be. May-be all this is sanctimonious talk. But for the sake of the processes of life as we have developed so far even sanctimonious talk is sometimes important. At least hypocrisy is the homage which vice pays to virtue. At least for being hypocritical you pay some homage to virtue. Let us try to behave as we want to do. We have the motto: Dharmachakra Pravartanaya here. I was repeating to Shri Atal Behari Vajpayee a little ago:

सत्यम् वद धर्मम् चर । मा तृणितृदवे.भव

We learn from Mahabharata that when Gandhari, was asked which side she wanted should win, she answered:

यतो धर्म स्ततोजय :

"where there is righteousness, there is victory." The Speaker himself is working under the shadow of the motto 'Dharmachakra Pravartanaya' but the motto is clouded over today by the kind of scandal which prevails; even the reputation of Parliament of the country has come within the mischief of that scandal. There is a British quip that if you have an admiration for the House of Lords, go and have a look at it and you will be cured of that admiration! I have quoted in this House how a Member of the House of Commons had said some years ago that the country did not pay him to become "a member of an idiotic circus." Luckily the Committee of Privileges of the House of Commons let him off. I have repeated that under the cover of that decision! Let us not be told by our people or let us not tell ourselves that we are not paid by the country to be part of an idiotic circus. I can forgive an "idiotic circus" but I cannot forgive a dishonest "circus". If idiocy and dishonesty have gone together, there is nothing worse than that. No country can tolerate the sort of accusation which is made against Parliament and politicians and function even remotely anything like a democratic system. I appeal to my friends of the

Congress Party: do not stand on ceremony; do not be frightened:

स्वल्पमप्यस्य धर्मस्य त्रायते महतो भयात् ।

"Only a little righteousness saves you from great fear". Try to be at least a little righteous: so much power is there in your hands, so much patronage, so much opportunity for degeneration. Are you going down the well of degeneration or are you trying to rise above that mire in which some of these people in the party are wallowing today? Try to do something worthwhile. Let us not merely talk about the great India of our dreams, the great India which we wish to build for the future. I sometimes see my young friend Priyaranjan Das Munshi talking about the new India they wanted to build. What is the new India we are going to build if we are tolerating this kind of thing, scandals galore, such depradations on the slightest suggestion of near-moral conduct. Is this sort of thing to be tolerated? Let there be an end to this hypocrisy; let there be an end to this farce, this laughable, this comic opera business of running the administration at the expense of the people. When people die of starvation, the Government says that they die of malnutrition. I am not getting into that business. Righteousness is no-where in the picture. Let us try to inject some little bit of righteousness and one small step in that direction that Parliament should take would be to adopt this motion along with the amendment. The country will be notified that Parliament is not afraid of finding out that truth of the matter when such allegations are made. Let no country accute us of being pu-sillanimous, of being cowardly eunuchs, people who have no vitality.

SHRI H. N. MUKERJEE: I have said enough. I have also irritated some people and annoyed many people. Generally speaking, I have tried to say what is in my mind. I suggest again to my friends of the Congress Party that they should think again of the first initial human natural spontaneous response which was to send the motion to the Privileges Committee. Then they will be able to face the people bravely.

श्री मल चन्द डागा : (पाली)

मुझे भारत की 56 करोड़ जनता की बुद्धि पर विश्वास है। मैं जानता हूं कि भारत की जनता प्रतिपक्ष जैसे अखबार में छपी किसी ऐसी चीज पर कदापि विश्वास नहीं करेगी। फिर चाहे वह इसको कितनी ही बार क्यों न पढ़ें। श्री हीरेन मुखर्जी जसे विद्वान व्यक्ति भी शायद यह कल्पना नहीं कर सकते कि इस तरह की चीज किसी रिसपांसिबल अखबार में छप सकती है। ये जो छोटे छोटे अखबार हैं जो राजनीति से प्रेरित हैं ये चरित्रहनन का ही काम करते हैं। अपनी राजनीति चलाने के लिए ही इन अखबारों को निकाला जाता है।

श्री पीलू मोदी ने यहां विशेषाधिकार का प्रस्ताव रखा है। लेकिन जो भाषण उन्होंने दिया और जिस टोन में दिया उससे यह आभास कतई नहीं मिलता कि ये अपने या हमारे अधिकारों की रक्षा कर रहे थे। यह भी पता नहीं चला कि ये उस अखबार के खिलाफ एकशन लेना चाहते हैं। जिस प्रकार का भाषण इन्होंने दिया है उससे साफ मालूम होता था कि ये जान बूझ कर इसको राजनीतिक रंग दे रहे हैं और राजनीति—से प्रेरित हो कर शासक दल पर कीचड़ उछालने की कोशिश कर रहे हैं।

जो माननीय सदस्य इस कांड से सम्बन्धित हैं उन्होंने बयान दिए हैं कि हमने हस्ताक्षर नहीं किए। सरकार ने इस सारे मामले को सैंट्रल इनवैस्टीगेशन ब्यूरो को जांच के लिए सौंप दिया है और मुकदमा रजिस्टर कर दिया गया है। अब जो इस मामले में कारंवाई होगी और जो जांच होगी और उसके जो निष्कर्ष निकलेंगे उससे दूध का दूध और पानी का पानी हो जाएगा और सारी चीज सामने आ जाएगी —

(श्री मुल चन्द डागा पाली) :

(इंटरप्शंस) .... इस तरह के जो अखबार हैं वे निन्दनीय है। क्या कहा है इसने ? यह कहा है कि संसद् चोरों का अड्डा है और आगे प्रश्नवाचक चिह्न लगा कर कहा है दलालों का अड्डा। म नहीं समझता हूं कि इस के अन्दर जो बात उस अखबार ने लिखी हैं उनको इन्होंने शुरू से आखिर तक पढ़ा भी है क्योंकि वे पढ़ने लायक नहीं है। जान बूझ कर इस अखबार ने श्रीमती इंदिरा गांधी पर कीचड़ उछालने की कोशिश की है। यह उसकी आदत है। इसको जनता अच्छी तरह से जानती है और समझती है। अब ऐसे गंदे अखबार के खिलाफ सरकार कदम उठाए और पार्लियामेंट मामले को इनवैस्टीगेट रहे मैं नहीं समझता हूं कि यह उचित होगा। जो मेम्बर इस मामले मे सम्बन्धित हैं उन्होंने कहा है कि हमने दस्तखत नही किए और यह बयान उन्होंने उसी दिन दे दिया था तो क्या अगर यह एक स्टैंडर्ड का अखबार है तो उस मे यह नही आना चाहिए था और उसको नही लिखना चाहिए था कि मैम्बरो ने इन्कार किया है और कहा है कि ये जाली हस्ताक्षर हैं, उनके हस्ताक्षर नही है और साथ ही यह कि इनवैस्टीगेशन के लिए मुकदमा रजिस्टर कर दिया गया है। चूंकि उसने ऐसा कुछ नही किया है इस वास्ते अखबार वाले की नीयत के बारे में शक होता है और पता चलता है कि जानबूझ कर कीचड़ उछालने के लिए और चरित्र हनन के उद्देश्य से उसने इसको छापा है। श्री पीलू मोदी समझते थे कि वह बड़ा सोच समझ कर और ढंग से बोल रहे है और शायद यह भी समझ रहे थे कि पार्लियामेंट के अधिकारों की, सदस्यों के अधिकारो की वह रक्षा कर रहे हैं। लेकिन किस का मुंह काला हुआ है, क्या इसको भी जानने की उन्होंने कोशिश की है ? मैं नही चाहता हूं कि बात का बतंगड़ बनाया जाए। अगर आप समझते हैं कि इस मामले को उठाने से, इसको तूल देने से किसी की गर्दन नीची होती है तो आप इस प्रकार की बात को नहीं उठाते। जब मेम्बरों ने कह दिया कि हमने अपने दस्तखत नही किए और जांच हो रही है, फिर भी लोगो को इस में मजा आ रहा है, घंटो तक इस बात पर चर्चा होती है। कई बार यह कहा जा चुका कि इस के अंदर और आदमी इन्वालव्ड है, उन की एन्क्वायरी होनी चाहिए, पार्लियामेंट के जो मेम्बर है वे एन्क्वारी नही कर सकते, उनसे यह एन्क्वायरी हो नही सकती, इसकी बाकायदा जांच होगी, पुलिस इन्वेस्टिगेशन करेगी, लेकिन उसके बाद भी एक अखबार ने आए और खुद पढ़ नही सके, बड़ी खूबी की बात है, अखबार वाला कहता है कि मुझे शक है कि ऐसा कहा, उस अखबार वाले को क्या जरूरत थी श्रीमती इंदिरा गांधी का नाम घसीटने की और जिन सदस्यों ने दस्तखत किए है उनके लिए क्या लिखा है उसने? मेरा निवेदन है कि जान बूझकर एक राजनैतिक पार्टी पर और हर लीडर पर कीचड़ उछालने के लिए ऐसा किया गया है और ऐसे अखबारो को इग्नोर करना चाहिए। मैं तो समझता हूं कि ऐसे अखबारो मे खबर निकलती रहती है उस का कोई पर वाह नही करता है। इसलिए मेरा कहना है कि यह विशेषाधिकार का प्रश्न जिस भावना से उठाया गया है वह राजनीति से प्रेरित है। उनकी भावना गन्दी है। यह उस तरह का अखबार है जिस की कोई कीमत नही होती। एक यह अखबार बनर्जी साहब पढ़ रहे थे जो प्रतिपक्ष के खिलाफ लिखता है। यह भी एक फैशन होता है। कुछ लोग कोई दावा करते है, मुद्दई मुद्दालेह उसमें होते है, तो क्या करते है कि डिफेंडेटस अपने बनाते है और उन को बनाते है जो हमारे दावे को मंजूर कर ले, वे डिफी अपने ऊपर होते है। बाद में बयान करके उन को एग्जोनरेट कर देते है। तो पीलू मोदी जब खड़े हुए तो उन्होंने दावा खड़ा किया और अपने आप को भी उस में कहा कि मैं भी संसद सदस्य हूं और मेरा भी मुंह काला हो

रहा है और बडे खुश हो कर कहा कि मेरा मुंह काला हो रहा है, साथ ही वे खुद उस को डिफेंड कर रहे है, तो इस प्रकार मे प्रैक्टिस और डिफेंडेंट की यह मिलीजुली बाते है। रेलवे मे जार्ज फरनेन्डीज के साथ जो हमने ऐक्शन लिया. .(व्यवधान)

आखिर यह प्रिविलेज मोशन अब वे क्यो चला रहे हैं ? स्टेटमेंट हो चुका सरकार का कि एन्क्वायरी हो रही है, इन्वेस्टिगेशन हो रही है, वहा जाइये, बयान दीजिए। उस अखबार मे सारी बाते शुरू से आखिर तक जितनी हैं उन बातो मे सदेह है। इसलिए मैं चाहता हू कि इन बातो को इग्नोर किया जाय। इस प्रकार से हमारे मुह काले नही होते और ससद बदनाम नही होती इन अखबारो को पढने वाले लोग इन अखबारो पर थूकते है। कुछ लोग धर्म की चर्चा करने लगे कि, धर्म पर इस प्रकार से क्या कोई कलक लग सकता है? क्या इस प्रकार बेदाग लोगो पर दाग लगाया जा सकता है ? जो बेदाग लोग है उन पर दाग नही लग सकता। जो इस प्रकार का काम करने वाले लोग है वे खुद गन्दे है। मैं समझता हू कि यह बिल्कुल बेबुनियाद बात है। हम इस को प्रिविलेजेज कमेटी को भेजे और इसकी वहा जाच कराय, इस की कोई जरूरत नही है। जो जाच हो रही है उस पर भरोसा रखना चाहिए। जाच होगी और जो दोषी हैं उन को हम भी चाहते है कि दण्ड दिया जाय।

श्री मधु लिमये : (बाका) अध्यक्ष महोदय, मेरे मित्र श्री जार्ज फरनेन्डोज जिस के मुख्य सपादक है उस अखबार के खिलाफ श्री पीलू मोदी ने यह सदन की मानहानि का प्रश्न सदन के सामने रखा है। श्री पीलू मोदी की बात मैंने बहुत गौर से सुनी। उन्होने इस बात पर जोर दिया और ठीक ही किया कि इस मामले की जब तक पूरी जाच नही होती और श्री जार्ज फरनेन्डीज को अपनी सफाई देने का पूरा मौका जब तक नही मिलता तब तक हम भी नही चाहेंगे कि कोई जल्द-बाजी से फैसला हो। इसलिए उन्होने यह प्रस्ताव किया है कि यह मामला प्रिविलेजेज कमेटी के सामने भेजा जाय। मैंने उसमें यह सशोधन दिया है कि दरमियानी अरसे मे सरकार इन कागजो मे हेराफेरी न कर सके, कागजो को टैम्पर कर सके।

श्री श्याम नन्दन मिश्र : (बेगुसराय) . अभी तक बाकी है हेराफेरी ?

श्री मधु लिमये : अब तक तो कर ही लिया होगा, लेकिन फिर जितने कागजात है, इनकी अक्लमदी पर मुझे पूरा विश्वास है, इनकी अक्लमदी के चलते कुछ तो कागज ऐसे छूट ही जायेंगे और उसी के आधार पर प्रिविलेजेज कमेटी फैसला दे सकेगी, इस लिए मैंने यह सशोधन दिया कि इस केस के सारे सबधित कागजात पार्लियामेंट के आदेश से सीज किए जाय और उनको अध्यक्ष महोदय की कस्टडी मे रखा जाय।

यह जो अखबार है मै शब्दावली मैं नही जाता क्योकि हो सकता है कुछ शब्द उनके आप पसन्द न करे, मै भी नही करता हू

SHRI K. P UNNIKRISHNAN (Badagara). Is it your party organ?

श्री मधु लिमये नही। पार्टी आर्गन नही है ?।

अध्यक्ष महोदय : इन्होने जो आरोप लगाया है, अभियोग लगाए है उन का मुख्य आशय यह है कि जिन सदस्यो ने व्यक्तिगत स्पष्टीकरण को ले कर अपने हस्ताक्षर के जेनुइननेस के बारे से यहा इनकार किया उनमे से कुछ लोग जानबूझकर झूठ बोले है और वास्तव मे उन के दस्तखत सही दस्तखत है। यह एक आरोप है जिस के ऊपर मैं बोलना चाहता हू। दूसरा आरोप यह है कि श्री ललित नारायण मिश्र का इस मेमोरेंडम को तैयार रखाने मे हाथ रहा है और 30 लाख रुपया नकद वह पाए है। तीसरी बात उन्होने यह कही है कि श्री

[अध्यक्ष महोदय]

ललित नारायण मिश्र के खिलाफ कार्यवाही क्यों नहीं होती है, क्योंकि इन को प्रधान मंत्री का संरक्षण है जो स्वयं भ्रष्टाचार की गंगोत्तरी है, आदिस्रोत हैं,—गंगोत्तरी मैं नहीं कहूंगा क्योंकि वह पवित्र शब्द है, —आदि स्रोत हैं। और यह शक इसलिए और मजबूत हो जाता है क्योंकि अम्बाला में स्वयं अपने को ललित नारायण मिश्र के साथ और बंशीलाल के साथ ब्रेकेट किया है, अपने मे किया है कई कांग्रेसी सज्जन मेरे सामने अभी भी बैठे हुये हैं, वे मुझ से कहते हैं कि मधु जी, आप की यह कोशिश बेकार है, ललित नारायण मिश्र के खिलाफ कोई ऐक्शन नहीं हो सकता क्योंकि जो भी वह करते हैं उसमें 75 प्रतिशत हिस्सेदारी होती है। इसलिए आप लाख चिल्लाएं. . . . . (व्यवधान) . . . .

SHRI K. P. UNNIKRISHNAN: Sir, is it all relevant to the question of privilege? Would you like it to go on record?

SHRI MADHU LIMAYE: She has bracketed herself with the Railway Minister.

SHRI JYOTIRMOY BOSU: What is there to object to? She herself has said it.

SHRI K. P. UNNIKRISHNAN: The speech should be confined to the privilege issue.

श्री मधु लिमये : यह खुद उन्होंने—अम्बाला में कहा है। . . . . (**व्यवधान**) . . . देखिए, आप इस बात पर भी सोचिए कि मुल्क की प्रधान मंत्री जब अपने को खुद ब्रेकेट कर लेती हैं तो अब मेरे भाषण के ऊपर आप आक्षेप क्यों उठा रहे हैं ?

अब ललित नारायण मिश्र के बारे में इस तरह की बातें लिखने के लिए 'प्रतिपक्ष' क्यों मजबूर हो गया ? अभी मेरे पास चार टाप सीक्रेट डाक्यूमेंट्स हैं। . . . . . (**व्यवधान**) . . . यह पीलू मोदी ने कहा है, पीलू मोदी की नोटिस में प्रधान मंत्री आदि स्रोत हैं यह बात है। (**व्यवधान**) . . . . मैं अध्यक्ष महोदय बिलकुल रेलीवेंट हूं। इन लोगों को हमेशा मेरे भाषण से तकलीफ होती है। . . . . . (**व्यवधान**) . . . .

अध्यक्ष महोदय : आर्डर प्लीज। जो प्रिविलेज के भाषण पर और बहुत सी चीजें ला रहे हैं, इसी पर ही तो झगड़ा है, और आप भी साथ में और ऐड कर रहे हैं।

श्री मधु लिमये : अध्यक्ष महोदय, ये चार टाप-सीक्रेट डाक्यूमेंट्स हैं जो कामर्स मिनिस्ट्री से सम्बन्धित हैं। कामर्स मिनिस्ट्री में जांच करने के बाद चार एक्यूजड पकड़े गये हैं—ये सारे एक्स-फारेन ट्रेड मिनिस्टर के कार्य-काल में हुये हैं . . . . . .

SHRI K. P. UNNIKRISHNAN: How is it relevant?

SHRI B. R. SHUKLA (Bahraich): The only point before the House is whether the Privilege Motion tabled by the hon. Member, Shri Piloo Mody, should be referred to the Privileges Committee or not. Under the garb of discussion on that issue, he is bringing extraneous matters.

SHRI K. P. UNNIKRISHNAN: He should be stopped. Extraneous matters are being brought.

MR. SPEAKER: Mr. Limaye, if you bring in all these matters, it will take the shape of a censure motion, and we cannot convert this into a censure motion.

श्री मधु लिमये : मैं अब केवल कामर्स मिनिस्ट्री तक ही अपने को सीमित रखूंगा। अध्यक्ष महोदय, मानहानि का सवाल क्या है, ?

मैमोरेण्डम किस को गया? उसको मैनिपुलेट करने में किस का हाथ रहा—ललित नारायण मिश्र का हाथ रहा . . . . . .

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): The only question is whether it should be referred to the Privileges Committee or not. If the decision of the House ultimately is that it will go to the Privileges Committee, all matters which are relevant to the motion of Shri Piloo Mody will be considered at that time. If it is not going to the Privileges Committee, then how can the hon. Member be allowed to refer to all extraneous things, casting aspersions and indulging in character assassination?

MR. SPEAKER: The point over which the discussion is going on is whether it should be referred to the Privileges Committee or not.

SHRI MADHU LIMAYE: The report also says that these signatures were manipulated by the Minister of Foreign Trade.

अध्यक्ष महोदय, यह कितना गंभीर आरोप है । अब कामर्स मिनिस्ट्री में क्या चल रहा है.....

SHRI K. P. UNNIKRISHNAN: The question is only about reference to the Privileges Committee.

श्री मधु लिमये : श्री जार्ज फरनाण्डीज के अखबार ने यह वक्तव्य क्यों दिया ? उन के पास जरूर कोई जानकारी होगी जो सदन के सामने आनी चाहिए–इसलिये मैं मदद करने के लिये खड़ा हुआ हूं...

SHRI K. P. UNNIKRISHNAN: That is not under discussion.

श्री मधु लिमये : यह मुझे कामर्स मंत्रालय से प्राप्त हुआ है––

"An engineering unit managed to secure imported raw wool and polyester fibre—both sensitive items —even though these raw materials were not required by the unit."

MR. SPEAKER: How is it relevant? They object because this is being converted into a censure motion.

श्री मधु लिमये : मैं केस को कैसे आर्ग्यू करूं, मैं अपने मित्र को कैसे डिफेंण्ड करूं ?

MR. SPEAKER: The only point is whether it is a question of privilege or not. But you are going into Commerce Ministry and other matters.

AN HON. MEMBER: Who gave it?

श्री मधु लिमये : मुझे कामर्स मंत्रालय के लोगों ने दिया है ।

अध्यक्ष महोदय : ये सारी बातें यहां रखेंगे तो प्रिवलेजज कमेटी क्या करेगी ?

If the House is to discuss all these things now, what will the Privileges Committee do then. The only question here is whether it should be referred to the Privileges Committee or not.

श्री मधु लिमये : अध्यक्ष महोदय, जिसके खिलाफ यह प्रस्ताव आया है, क्या उसको बचाने का मुझे हक नहीं है ?

I am defending him. Allow me to defend him. I am pleading for a full investigation.

अध्यक्ष महोदय मैं पुराने प्रिवलेज मोशन (व्यवधान) ....अगर मुझे टोकेंगे इन्टरप्ट करेंगे तो और तो ज्यादा फंसेंगे ।

PROF. MADHU DANDAVATE (Rajapur): I am on a point of order.

SHRI PRIYA RANJAN DAS MUNSI (Calcutta-South): Before he got up, I am standing on a point of order.

PROF. MADHU DANDAVATE: My point of order in that you have rightly said that the discussion is on a motion that seeks to refer the matter to the Privileges Committee. While pleading for this particular motion demanding that the matter should be referred to the Privileges Committee, in defence of this particular motion it

[Shri Priya Ranjan Dass Munsi]

is permissible for the hon. Members to put forward a plea how serious cases are involved, how corruption is involved and why on the basis of all that, the matter should be referred to the Privileges Committee. In that light he is perfectly justified to make a comment on that. ....

MR. SPEAKER: But it should not be converted into a sort of censure motion. When you do it, it gets mixed up.

SHRI PRIYA RANJAN DAS MUNSI: I do not like to interrupt your speech. ....

MR. SPEAKER. Only if he yields.

SHRI MADHU LIMAYE: I always yield to a point of order.

SHRI PRIYA RANJAN DAS MUNSI: The very relevant question that arises here is that the hon. Member, Shri Madhu Limaye, is reading out a letter or a document which he claims he got from the Minister of Commerce .....

SHRI MADHU LIMAYE: Not Minister of Commerce . .

SHRI PRIYA RANJAN DAS MUNSI: Yes, ...from the Ministry of Commerce I would like to submit that if any Member of Parliament or anybody else requires some information from the Government, they can write a letter and get it and quote it. But a practice has started nowadays, for the last one year, some document surreptiously got—it may be a genuine one or a fake one—is sought to be read. That means the Members of Parliament are in league with the officials of the various Ministries to collect vital papers, may be secret documents and I want to know whether this practice should be allowed to continue. The Members must state how they got the document and from whom and who gave it? I would like to know.

SHRI PILOO MODY (Godhra): After the 21 signatures, he has serious doubts!

SHRI P. K. DEO (Kalahandi): That was Sardar Hukam Singh's ruling.

MR. SPEAKER: In this House, if a document is produced, we do not ask how he has secured it. Somehow that has been the practice.

श्री मधु लिमये : पध्यक्ष महोदय, इन को माफ कीजिये, वह बच्चा है, हमारा दोस्त है।

SHRI K. P. UNNIKRISHNAN: I rise on a point of order. Rule 353 is very clear and it says:

> "No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous intimation to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply:....

SHRI PILOO MODY: This is precisely why he does not want an investigation.

SHRI K. P. UNNIKRISHNAN: Further on, it says:

> "Provided that the Speaker may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation."

MR SPEAKER: I have already invited his attention that this is not a censure motion. If he wants to make any allegation against any member, he has to give me previous intimation and I have none.

SHRI MADHU LIMAYE: I am not making any allegation. I am only reading what has appeared in the paper. I am confining myself only to this.

SHRI JYOTIRMOY BASU (Diamond Harbour): What does the motion read? The letter reads:

"May I draw your attention to the report published in the latest issue of *Pratipaksh*? The report says that some of the 20 MPs who disowned the genuineness to the licence memorandum, their signatures were manipulated by the Minister of Railways. A front-page report denounces ...

So, you will see what sort of corruption is there. The Prime Minister is there who is the source of all corruption. Nobody can deny this.

SHRI SHYAMNANDAN MISHRA: Even when my hon friend Mr. Madhu Limaye has reneged from the opposition and wants to keep company with them, these honourable gentlemen do not tolerate it My greevance is that he has reneged from the opposition and he is opposing the motion of privilege He is doing his duty to his colleague, Mr. George Fernandes, but one can certainly take a stand like this. That is to say, one can take a stand against privilege motion on two grounds the ground is that there is certainly an amount of truth or justification in the allegations that have been made by Mr. George Fernandes in the journal entitled *Pratipaksh*. If one wants to effectively oppose this Privilege Motion one has to establish the truth of the allegations. What is the other way of opposing the privilege motion?

MR. SPEAKER: About the privilege motion, my contention was, it was not a general censure motion. But there were some allegations to be made against another Member or Minister and some notice should have been given, so that he could be in a position to answer

SHRI SHYAMNANDAN MISHRA: That is different: that opportunity must be given. My submission is this. He wants to defend the Editor of the paper. What is the way of defending? If one wants to oppose the Privilege Motion, what is the way of doing it? They are taking one line for opposing the Privilege Motion. Here he is taking another line of opposing the Privilege Motion.

MR. SPEAKER: Mr. Shyamnandan Mishra, there are many things which are least talked about or spoken about. Everybody knows what type of Privilege Motion is this end you are reverting to the same thing.

SHRI MADHU LIMAYE: How can you say 'Everybody knows'? Please don't say like that Sir.

SHRI SAMAR GUHA: It is a very unfortunate remark.

SHRI SHYAMNANDAN MISHRA: Everybody includes the ruling party and the Chair and nobody else.

MR. SPEAKER: Privilege Motion, in which all the Members, as I understand from the Opposition and from the Congress Benches are interested from different angles.

SHRI MADHU LIMAYE: You are not called upon to make this remark, Sir. Please don't prejudice the debate. You have said enough.

अध्यक्ष महोदय, मेरा संसद के सदस्य के नाते एक कर्त्तव्य है और जार्ज फरनाण्डीज़ के मित्र के नाते एक कर्तव्य है—दोनों को मुझे रिकन्साइल करना है। (व्यवधान) संसद के सदस्य के नाते मेरा एक कर्तव्य है लेकिन मैं अपनी मित्रता का उनके साथ टकराव नही होने दूगा। मेरी मित्रता का तकाजा है कि कुल इन्वेस्टिगेशन न हो और जार्ज फरनाण्डीज को न्याय मिले। संसद के मदस्य के नाते मेरा जो कर्तव्य है उसका तकाजा है कि अगर संसद का अपमान होता है तो उस प्रस्ताव का मैं समर्थन करूं। आया आपकी समझ में ? (व्यवधान)

अब आप "प्रतिपक्ष" का वाक्य देखें। (व्यवधान) क्या मैं वह कोट भी नही कर सकता जिसने खिलाफ प्रिविलेज इश्यु है ? (व्यवधान) मैं केवल एक जुमला उद्धृत करना चाहता हूं :

[श्री मधु लिमये]

"क्या प्रधान मंत्री यह बतलायेंगी कि संसदीय जांच का विरोध किस लिये कर रही है? क्या उन्हें डर है कि संसदीय जांच श्री नगद नारायण और उनके चाटुकारों से आगे बढ़कर प्रधान मंत्री के दरवाजे पर पहुंचेगी ?"

यह मैं ने नहीं कहा है। हमारे दोस्त के अखबार में छपा है। आपको क्या पता है उन्होंने लिखा है लेकिन वह मुख्य सम्पादक है तो जिम्मेदारी उन्हीं की है, इसमें दो राये नहीं था। कोई भी लिखे, मुख्य जिम्मेदारी उन्हीं की है।

अब मैं किसी व्यक्ति पर आरोप नहीं कर रहा हूं लेकिन व्यापार मंत्रालय या पुराना विदेश व्यापार मंत्रालय, जिसके संबंध में यह अभियोग है, वह किस ढंग से काम कर रहा है? मैं किसी भी व्यक्ति का नाम नहीं लूंगा। अब मैं अपना इन्स्ट्रेशन दे रहा हूं, किसी व्यक्ति का नाम नहीं ले रहा हूं। (व्यवधान) आप बदमाश फर्मों को डिफेंड क्यों कर रहे हैं?

यह केस है

"An engineering unit managed to secure imported raw wool and polyester fibre, both sensitive items, even though the raw materials were not required by the unit."

मैंने किसी व्यक्ति का नाम नहीं लिया है।

SHRI H. R. GOKHALE: Sir, I rise on a point of order. I respectfully agree with you that you are not required to ask him as to the source of this document. I am not saying that you can do that As you have rightly made an observation, he himself described it as a top secret document The document he referred to, he has already started reading it, pertains to the Commerce Minister. Now, we do not know what the document is. The Commerce Minister has not been told that it is going to be brought in this discussion; he has no opportunity to explain the allegations and the contents of the document. But, I would submit that it is not to be disclosed, in the public interest. And such a disclosure without giving a notice to the Minister should not be allowed to be done by him. (*Interruptions*).

SHRI MADHU LIMAYE It is in his own interest. He does not know A, B or C of Parliamentary procedure. He is a brilliant industrial lawyer and also a constitutional layer. It is in his own interest. He should keep quiet.

SHRI SHYAMNANDAN MISHRA: How can he dictate?

श्री मधु लिमये. अध्यक्ष महोदय अगर मैं कोट कर रहा हूं तो उनको अधिकार है पूरा डाक्यमेंट रखने के लिये कहें। इसके अलावा इनका और कोई अधिकार नहीं है।

"An engineering units managed to secure imported raw wool and polyester fibre, both sensitive items, even though the raw materials were in to required by the unit."

आप पूछेंगे रेलिवेन्ट कैसे है। 21 लोगों के सिग्नेचर से जो मैमोरेंडम दिया गया है उस पर जो लाटसेम मिले हैं वह सब ब्लैक मार्केट में बेचे जा रहे हैं। यह एक उदाहरण नहीं, पचासों उदाहरण हैं लेकिन मैं 4 उदाहरण देने वाला हूं। मैं किसी व्यक्ति का नाम नहीं लूंगा और इसलिये मांग करूंगा कि फुल इन्वेस्टिगेशन होना चाहिए। मेरे मित्र को अपनी सफाई देने का अधिकार होना चाहिए। उसके बाद अगर विशेषाधिकार समिति इस नतीजे पर पहुंचती है कि उन्होंने सदन का अपमान किया है तो जो सजा देनी हो वह आप दे दीजिये। मैं आपके बीच में बाधा डालने नहीं आऊंगा। लेकिन मुझे यह कहने का अधिकार है कि विदेश व्यापार मंत्रालय किस तरह से चल रहा था जिसका नमूना है कि 21 लोगों के सिग्नेचर से मैमोरेंडम

किया गया और 7 पार्टीज को लाइसेंस दिये गए। (व्यवधान) आप मुझ को इलस्ट्रेट नहीं करने देंगे, मिसाल देने नहीं देंगे ? (व्यवधान) इसके बारे में यह जो दस्तावेज कहता है:

"Against the replenishment entitlement—R. P. Entitlement—obtained by them as a nominee, they requested for the import of raw wool and polyester fibre—these two items were not in the shopping list—against the exported product. They were aslo not the raw materials required by the engineering unit for use in their factory. The value for which such nominations were secured and utilised for raw wool and ployester fibre was of the order of Rs. 100 lakhs—one crore."

अब पब्लिक अकाउन्टस कमेटी के चेयरमैन मेरी पुष्टि करेंगे कि इस पर 400 परसेंट पीमियम मिलता है। तो अब आप कानून की मर्यादा का उल्लंघन कर के किसी को इस तरह कि सुविधा देते हैं, तो मैं किसी पर आरोप नहीं कर रहा हूं, आप इनफरेंस निकालिये कि यह रियायत क्या धर्म के लिये या किसी के ऊपर उपकार करने के लिये की जाती है ?

अध्यक्ष महोदय, इसके बारे में हुआ क्या? मामला अदालत में गया और कानून मंत्रालय से उन को सलाह मिली कि यह केस चलेगा नहीं?

"Their licences, allotments and pending applications were released."

The decision was taken in January 1970. Was Shri L. N. Mishra the Foreign Trade Minister then?

उस समय कौन था?

अब आप दूसरे केस में आइये।

"The units in Hyderabad acquired licences of very high value by taking undue advantage of the nomination facility."

अब उसमें से एक वाक्य मैं कोट करता हूं :

MR. SPEAKER: Is this in connection with the licences which are mentioned in the Motion?

SHRI MADHU LIMAYE: I am only illustrating the point that these 21 signatures on the memorandum is not a stray incident. This is the dominant the theme of the Commerce Ministry.

"On the basis of the aforesaid certificates the unit did not apply for raw-material as actual users for the manufacture of various end products. . . The total value of licences which this unit obtained as a nominee was of the order of 80 lakhs which was beyond all proportion to their capacity . . . . These licences were obtained from differnt licensing offices and not from one office. This was done in order to escape notice by the licensing authorities."

अध्यक्ष महोदय, मैं तो आशा करता था कि पूरा सदन मुझ को इस बात को ले कर बधाई देगा कि मैं ने यह सारी बातें बतायीं। लेकिन लोग मुझे ओबस्ट्रक्ट करने का प्रयास कर रहे हैं। बड़ा अफसोस हो रहा है मुझे।

"The case came to the notice on the basis of a complaint received by CCIE and CBI. The CCI received the complaint on 29th November, 1969 and the CBI registered a case on 20th September, 1971. Their investigation report was received on 12th February, 1974."

सी० बी० आई० कैसे काम करता है? इन्वेस्टीगेशन की रिपोर्ट के लिये तीन साल या ढाई साल लगे।

Their investigation began in September, 1971 and the report was received on 1t2h February, 1974!

तो इस केस में भी आप यही चाहते हैं कि सी० बी० आई० के हाथ में मामला दिया जाय? तो हमारी मौत होने के बाद सी० बी० आई० की रिपोर्ट आयेगी। और इसलिये मैं ने कहा है कि सब डौक्यूमेंट्स सीज़ कर लिये जायें।

[श्री मधु लिमये]

रेल मंत्री (श्री एल० एन० मिश्र) : जो तारीख बताइयेगा डौक्यूमेंन्टस क। ? 1972 मे मैं नही था।

श्री मधु लिमये : ठीक है मैं वापस लेता हूं अगर आप नही थे। लेकिन इस पीरियड मे कोन था ?

"CBI registered a case on 20th September, 1971."

वह वापस ले लिया। लेकिन यह तो है।

अब तीसरा केस है, यह पार्टी है.....

"An eligible export House acquired licence of high value and used this for obtaining stainless steel sheets which is an extremely sensitive item.

Taking advantage of this, the export house acquired licences by transfer of a total value of Rs. 88 lakhs and applied to the licensing authorities for alloting import of stainless steel sheets against this entire value."

यह चौथा केस बहुत ही मजेदार है।

"Exports were over-invoiced in order to obtain higher REP entitlement for sensitive items."

[MR. DEPUTY-SPEAKER *in the Chair*].

13.46 hrs.

इस मे उपाध्यक्ष महोदय, बड़ी मजेदार बात यह है :

"The information collected from the licensing authorities revealed that the FOB value of exports against which REP licence and cash assistance had been obtained by the export of spectacle frames had gone up from Rs. 32.68 lakhs during 1971-72 to Rs. 41.55 lakhs during 1972-73. In addition, applications for the grant of REP licences and cash assistance on further exports of the order of Rs. 75 lakhs FOB were pending with the licensing authorities.

Exports were being over-invoiced for the purpose of obtaining higher value imports of stainless steel strips."

(व्यवधान)

तो कुल मिला कर इन चार केसो मे लाइसेन्सेस का मूल्य लगभग 3 करोड़ 15 लाख रुपया हो जाता है। और इन चीजों पर 400 फीसदी प्रीमियम है।

अगर यह मांगे कि मैं मेज पर रखूं, ले करूं, तो मैं उस के लिए भी तैयार हूं लेकिन फिर उस हालत में प्रेस भी ऐन्टा, इटिल्ड होगा प्रकाशित करने के लिए।

श्री एल० एन० मिश्र : साधारण नियम है कि अगर इन को कुछ कहना था मेरे बारे मे तो मुझे सूचना देनी चाहिए थी मै यहां तैयार हो कर आता। अभी तो मै एका एक आ कर बैठ गया। दूसरी बात यह है कि तारीख बताइये क्योंकि मेरा नाम लिया है। अगर मंत्रालय कहेंगे तो मुझे कोई एतराज नही है। लेकिन जब मेरा नाम लेते है तो तारीख भी बतानी चाहिए।

श्री मधु लिमये : मैंने किसी का नाम नही लिया, आप मुझे लिख कर पूछे कि कौन सी डेट्स है डौकुमेट्स की। आप के पास तो मशीनरी है, मेरे पास नही है। आप का मैं नाम नही ले रहा हू।

श्री एल० एन० मिश्र : आपने लिया है, हम ने सुना है श्री ललित नारायण मिश्र है।

श्री मधु लिमये : मैंने यह पूछा था कि क्या आप उस समय मंत्री थे ?

SHRI K. P. UNNIKRISHNAN: When you read out the motion, you referred to the name of Mr. L. N. Mishra. Why do you want to run away?

श्री मधु लिमये: I am not running away. मैंने यह कहा कि विदेश व्यापार मंत्रालय में और आज के कौमर्स मंत्रालय में क्या पपले चलते हैं। वह एक

सिलसिला है । आप पहले मंत्री नहीं थे, और बाद में नहीं थे । आप को केवल जवाब देना है तो बाद में दीजिएगा अपने पीरियड के बारे में । आप के पास स्टीम रोलर मैजोरिटी है ।

अब यह जो लाइसेंस दिए गये हैं 7 पौंडिचेरी पार्टीज को मेरी जानकारी है, बम्बई से लिख कर मुझे जानकारी मिली है कि कैसे ट्रफिकिंग चल रहा है । मैं उदाहरण देता हूं

"The licence of Mr Muthaiyan Pondicherry Union Territory is marked ex gratia NQQ

"which means not qualified for quota"

यह लाइसेंस एक्स-ग्रेशिया है ।

'It is also inscribed on the licence that it is ad hoc which means not for future There are also the words 'established importer' on the licence All this is contradictory and does not tally with the descriptions in the book The parties are connected with Indo-Bangladesh Company or Corporation, Hyderabad It is marked 30th March, 1974 The licences can be impounded and also the consignments already imported under it"

यह तो इसीडेंटली व्यापार मंत्री के लिए मैं कह रहा हूं ।

"The licences can be impounded and also the consignments already imported under it'

"Mr Siddiqi also belongs on this firm".

यह जानकारी मैं व्यापार मंत्रालय की कार्यवाही के लिए रख रहा हूं ।

तो उपाध्यक्ष महोदय, अगर प्रतिपक्ष में काम करने वाला कोई लेखक इस तरह की नुक्ताचीनी करता है और कहता है कि प्राइम मिनिस्टर बहस होने नहीं देती, श्री रघुरामैया बहस होने नहीं देते . . (व्यवधान) आप लोग अपनी स्ट्रीम-रोलर मेजोरिटी के अन्तर्गत हल्ला मचाते हैं और हम को दबाते हैं, आप शोरगुल करते हैं—'शोरगुल प्रधान मंत्री का शब्द है ।

SHRI JYOTIRMOY BOSU. On a point of order For the sake of good order and decorum, those 21 members whose names have featured, should not speak and make *halla gulla* (*Interruptions*)

MR DEPUTY-SPEAKER There is no point of order (व्यवधान)

श्री मधु लिमये : अगर इस अखबार का लेखक इस तरह से लिखता है तो क्या ताज्जुब की बात है । अगर कुछ शब्दों के प्रयोग के बारे में कुछ आपत्ति है, तो मैं सहमत हूं लेकिन उन का जो भावना है, उन का जो हेतु है उन का जो मोटिव है उन का जो आशय है, वह लोकतंत्र की बुनियाद को दृढ़ बनाना चाहता है । उन्होंने कोई गलती की है, तो उस के बारे में प्रिविलेजेज कमेटी अपनी राय दे लेकिन फुल इन्वेस्टीगेशन हो सके, इसलिए मैंने यह एमेंडमेंट दिया है ।

अब मेरा एमेंडमेंट क्यों जरूरी है, इस पर अपनी आखरी बात कह कर मैं अपनी तकरीर खत्म करूंगा । आज के हिन्दुस्तान टाइम्स में सी० बी० आई० का क्या तरीका है, इस पर रोशनी डाली गई है । ये श्री इन्द्र मलहोत्रा के रिमार्कस हैं ।

"After comparing the signatures, the CBI offices left Mr Malhotra's place' 'They were with me for three to four minutes and they did not disclose to me the contents of the letter', according to Mr Malhotra, he thought the CBI was making a routine enquiry about some letter received by the Commerce Ministry, to verify whether so many MPs have actually signed it I did

[Mr. Deputy-Speaker]
not know the subject matter of the enquiry. I forgot about the incident thinking since the CBI was looking into it, it would come to its own conclusions and inform the Commerce Ministry accordingly".

उपाध्यक्ष महोदय, जब हस्ताक्षर की जांच करने के लिए वे जाते हैं तो किस आशय का मेमोरेंडम है, इस को वे नही बताते है । कोई आवेदन पत्र आता है और हम लोग साइन करते हैं तो मेमोरी को ताजा करने के लिए यह जरूरी है कि हम लोगो को पता चले कि किस बारे में वह है । तो यह भी नही पूछा गया । ऐसी सी० बी० आई० की इन्वेस्टीगेशन पर मेरा विश्वास नही है और अगर आप पालियामेटरी प्रोब का विरोध कर रहे है, तो मर्जी है आप की, लेकिन नेचुरल जस्टिस का यह तकाजा है कि श्री जार्ज फर्नांडीज को और 'प्रतिपक्ष' को दोषी ठहराने से पहले आप उन को अपनी सफ़ाई पेश करने का पूरा मौका दीजिए । उन को अपना हैड राइटिंग एक्सपर्ट लाने और प्रिविलेजेज कमेटी के सामने एवीडेंस देने की छूट होनी चाहिए । अगर हैड राइटिंग एक्सपर्ट आए और मेमोरेण्डम ही बदल दे और नया मेमोरेंडम उस की जगह पर रिप्लेस कर दे, तो क्या करेंगे ? इसलिए मैंने यह संशोधन दिया है कि दस्तावेज सीज कर लिये जाए । मैं सदन का ज्यादा समय नही लेना चाहता । मैं किसी पर चादर छिपाने की कोशिश नही कर रहा हू । क्योंकि मैं भी थक गया हू और दूसरो को भी बोलना है, इसलिए मै समाप्त करता हू

14 hrs.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): I want to know about the allocation of time for this. You are aware, Sir, that some time was spent on the 3rd and today the motion is being debated. You will not doubt see from the Agenda, that there are other urgent Government workk to be gonethrough...(*Interruptions*) I just heard from my colleague that the Speaker indicated two hours and if so this must be over by 3 O'clock, latest, including the reply of the Minister. I am in your hands. May I suggest that the Minister might be called by 2.30 and the Mover may be asked to reply afterwards.

SHRI PILOO MODY (Godhra): If the Mimster is called at 2.30, at what time will I be called?

SHRI K. RAGHU RAMAIAH: 2.45.

SHRI PILOO MODY: I want to make one submission. The hon. Speaker asked me this morning how long this should go along and I said that as soon as the Members of the Opposition had all spoken, the matter could be taken up. Now it is for the Congress Party to field speaker or not to field them. But Members of the Opposition must have their say.

SHRI KARTIK ORAON (Lohardaga): The Matter is a serious one. What is Mr. Piloo Mody's motion:

> "May I draw your attention to the report published in the latest issue of Pratipaks edited by a former Member of Parliament? The report says that some of the 20 MPs who denied the genuineness of their signatures to the Licence Memorandum were telling a lie. The reports also says that these signatures were manipulated by Minister for Railways, Shri L. N. Mishra. The front page report denounces the Prime Minister as the main source of corruption. This is a gross contempt of the hon. Members and of the whole House. I shall be grateful if you will allow me now to move the motion for sending it to the Privileges Committee."

The Speaker has allowed a discussion on this matter. Unfortunately this does not form part of privilege. We have a written Constitution. The British Government had no written constitution but most of the fundamental

principles with regard to the supremacy of Parliament are derived from the British Constitutional law. Some hon. Members of ten quote the British practice. I would like to invite your attention to a quotation in the book Constitutional Law by Wade and Philip.. I am quoting from page 126 of this Book—Constitutional Law:

"Questions of privilege have been a source of conflict between the House of Commons and the courts. Parliament has always held the view that whatever matter arises concerning either House of Parliament ought to be discussed and adjudged in that House to which it relates and not elsewhere; and that the existence of a privilege depends upon its being declared by the High Court of Parliament to be part of the ancient law and custom of Parliament. It has been seen that the courts, in the case of Stockdale V. Hansard, Maintained the right to determine the nature and limit of parliamentary privileges, should it be necessary to determine such questions in adjudicating upon disputes between individuals. In Eliot's case the question whether or not the court could deal with an assault on on the Speaker committed in the House of Commons was expressly left open when the judgment was declared illegal by resolutions of both Houses, but there is no authority showing that crimes committed in the precincts of Parliament cannot be punished by the ordinary courts. In civil cases the test is whether the act alleged took place in the course of parliamentary business and as part thereof. An act which is criminal can hardly form part of such business. The present relationship between the High Court and Parliament is made clearer by the cases centring round Mr. Bradlaugh. In Bradlaugh V. Gossett the Court of Queen's Bench refused to declare void an order of the House of Commons preventing Charles Bradlaugh, who had been duly elected member for Northampton, from taking the oath. It was held that the House of Commons had the exclusive right to regulate its own proceedings, and that no court could interfere with the exercise of such right. The Parliamentary Oaths Act, 1866, permitted certain persons to make a declaration of affirmation instead of taking an oath. It was disputed whether or not Bradlaugh was a person entitled to make such a declaration. Any person making the declaration otherwise than as authorised by the Act could be sued for certain penalties. The House of Commons permitted Bradlaugh to make the declaration. It is pointed out in the judgment of Stephen, J., in Bradlaugh V. Gossett that, should the House of Commons have attempted by resolution to state that Bradlaugh was entitled to make the statutory declaration, such a resolution would not have protected him against an action for penalities:"

My point is whether there is anything in the publication of this paper outside which forms part of the privillages of the House can any remark made outside be the subject matter of discussion in the business of the House..... (*Interruptions*) if you do not understand, try to understand; do not say I am speaking nonsense. If you allow such things, it will be be very bad and it will amount to showing scant respect to this House. This is a matter to be decided outside. Mr. George Fernandes is trying to establish his position through writing such things. Now, what is a libel? A libel is such a writing or picture as either defames an individual (private libel) or injures religion, Government or morals (public libel). The fundamental principle common to civil and criminal law is:

"Anyone who publishes a defamatory document concerning another person so as to tend to bring him into hatred, contempt or ridicule or in any way to diminish the good opinion that other persons have of him, is guilty of publishing a defamatory libel. The

[Shri Kartik Oraon]

document may consist of either a written or pictorial composition."

So, this is a subject which should be dealt with outside. The House has nothing to do with it. This is a politically motivated publication and we are wasting the valuable time of the House on it. I am reminded of a statement by a big statesman: "If you cannot bark and bite, keep a dog to bark and bite.". That is what the opposition is doing. They have kept a dog to bark and bite. They want to pull down the Prime Minister. Let the people of India see the writing on the wall. Is there any opposition party capable of producing a leader of a stature to whom we can hand over the destiny of this country? We are proud we have a leader in Mrs. Indira Gandhi to whom the whole country is looking. One small try is trying to pull her down. She has to run the Government and decide the fate of the country. Let us not make a fun of these things in Parliament. I take this opportunity to express my resentment over the manner in which this House has been going on. The problems of the people are not being discussed here. The opposition had an opportunity to fight the battle of the ballot where they miserably failed. Now they want to run the House to ransom. It is rather unfortunate that nobody has been so far named. It is very good that the Speaker has not done it, but the Members should realise it.

As I said, this is politically motivated. They are trying to indulge in mud-slinging, sabrerattling and nonsense of all types They cannot get anything passed in this House. We have a two-thirds majority and the people of the country have reposed their confidence, in us. Nobody has a right tho come forward with a motion of no confidence. They were defeated a number of times. Just because they are so nervous and they cannot face the people, they bring in a number of motions of no confidence and adjournment, knowing fully well that they would be defeated.

When the opposition stand for a principle, I am always very much in agreement with them. Some of the members of the opposition sometimes speak very nicely. This can hardly be a matter of privilege. It is a matter which is to be decided in a court of law. So long as we happen to be Members of Parliament, under the dynamic leadership of the Prime Minister, we will not tolerate anything being said against her. Do not forget that our party has got more than two-thirds of the total Members of Parliament and we can bring any measure we want without the help of the opposition parties. They never talk about the poor people. They never talk about the Scheduled Castes and Tribes. They never ask for a discussion on the Report of the Commissioner for Scheduled Castes and Tribes. They only shed crocodile tears. They always waste the time of the House

We should join hands with the opposition only when they fight for principles. We must condemn and criticise papers which contain slander against Members of Parliament, or Parliament itself, which is the custodian of the well being of the millions of people of this country. I strongly denounce the move of Shri Piloo Mody to raise this issue here. It should be settled in a court of law. I am sure that if it is taken to a court of law, then both Shri Piloo Mody and Shri George Fernandez will find themselves behind the bars.

MR. DEPUTY-SPEAKER: If you add one more they will be Three Musketeers. You can have Shri Bosu also.

SHRI KARTIK ORAON: Yes, Shri Bosu also. My charge is that they are wasting the time of the House, which could have been otherwise gainfully utilized for the welfare of the country. We are living in a society which is afflicted with all sorts of problems. At this time the opposition is fighting with us. Though they speak of socialism, they are working against socialism. They never think of the poor people. They

only shed crocodile tears Therefore, I strongly object to this (*Interruptions*)

MR DEPUTY-SPEAKER I do not understand why hon members should behave in this way I take it that you take this matter very seriously I personally feel very anguished about the whole thing, and when an appeal was made that we should limit this by time, I did not respond because I feel terribly anguished and I feel that the House should take this matter seriously Beyond this House there is this country, and this country looks up to this House today Can we not deal with a matter like this seriously? The names of some members have been dragged here I understand that the Railway Minister feels very anguished about it because Mr Madhu Limaye has made certain charges against him In all fairness I would give him the chance to defend himself But if we behave like this among ourselves which has no relevance to what the hon Member who is in possession of the floor is saying, I do not think we are conducting ourselves in a responsible manner

Mr Kartik Oraon please conclude

SHRI KARTIK ORAON I would conclude Sir In the Rules of Procedure under rule 224 three conditions have been prescribed for the admissibility of a question of privilege

> The right to raise a question of privilege shall be governed by the following conditions namely,
>
> (i) not more than one question shall be raised at the same sitting
>
> (ii) the question shall be restricted to a specific matter of recent occurrence,
>
> (iii) the matter requires the intervention of the House"

I would like to say that the rules are quite silent as to the circumstances under which a subject could be a matter of privilege Here we have seen that the same thing is being repeated every time Also there is nothing here that requires the intervention of the House There are certain conventions which are followed in other countries and I have tried to invite your attention to those I once again reiterate that there is nothing in this motion on which we have been wasting so much of time there has been so much of firework so much of sabre-rating so much of unnecessary hot exchange of words between this party and other parties When we discuss a matter of this nature, we should discuss it in a calm calculated manner and also seriously because if we take a decision today on this subject to refer it to the Privileges Committee this will be a precedent for the future, it will be a dangerous precedent, and this House will no longer be a Parliament as it has been so far and will be converted into a court of law

With these words I strongly oppose this motion

SHRI JYOTIRMOY BOSU (Diamond Harbour) I have heard with patience one spokesman who is a lawyer Shri Dinesh Chandra Goswami I have not been able to apply my mind to what the other Congress members have said In fact whatever little I have heard carried no substance at all I would only say that empty vessels sound much Mr Goswami was desperate in his arguments to hide the stinking skeleton that they have in the cupboard It gives rise to serious suspicions why they are standing in the way of this issue being sent to the Privileges Committee I can understand it There are veteran Parliamentarians on that side who know that, if it goes to the Privileges Committee, the matter will be thoroughly probed into Fortunately, in the committee we do not act as partymen, there the whole thing will be probed into The iceberg, the tip of which has come to the notice of the House, will come out to the surface Therefore even at the cost of charges being levelled

[Shri Jyotirmoy Bosu]

as thieves and touts and the Prime Minister being called a fountain of corruption, they cannot afford to see this motion go to the Privileges Committee. This paper edited by Shri George Fernandes took the courage, took the bull by the horn because I hardly think there is one editor who will have the courage to say such things.

About Shri George Fernandes, many remarks have been made and all that I can say is that many of them were unaware of politics when this man was in the national political field.

During the Provisional Parliament, those who have gone through the old records—I am quite sure, Shri Jaganatha Rao knows about it and I am quite sure Shri L. N. Mishra should be knowing also—would remember the famous Mudgal case. What was his lapse? As far as I know—I would like to be corrected—he was trying to create a lobby for the Bombay bullion merchants Association and creating pressure tactics It came to the notice of the late Pandit Jawaharlal Nehru and a committee of Parliament was set up under the chairmanship of the late Shri T. T. Krishnamachari. Then what happened? The man had the tact, cleverness to resign before anything happened to him and as a result, I am told, the House expressed its dissatisfaction that the man had escaped penalty by resiging and getting out of it. To-day how different it is, although the same Party and the same Government is led by the daughter of the late Pandit Jawaharlal Nehru. What a difference;

Yesterday, we had met the Prime Minister, all the Opposition Leaders met her in a bid to come to a definite understanding of the basis of the Rules of the House. We pressed for two motions—one against Shri L. N. Mishra on the basis of the Kanpur Commission's report on the Bharat Sevak Samaj set up under the Commission's of Inquiry Act Mr. Kapur is a sitting Judge if I am not wrong and that Kapur Commission was set up on the advice of the Public Accounts Committee of this House. I have given a motion...

MR. DEPUTY-SPEAKER: How does it come in here?

SHRI JYOTIRMOY BOSU: He is there. He would not mind.

I have given in the motion that if what I have alleged is found to be untrue, I shall face the Privileges Committee. That was the ruling of Speaker Sanjiva Reddy that if a member brings up a matter against another member or a Minister, he has to take the responsibility and if he cannot establish it, he has to face the Privileges Committee I have given it in writing and in spite of that Kapur Commission's report, because it is detrimental to my friend, Shri L. N Mishra who is very close to the Prime Minister who always gives him protection, cannot be raised on the floor of the House. This, when considered with what has been stated in the *Pratipaksh* reinforces the charge that this Government had been constantly inflicting daylight robbery on the people. When such motions are sent to the Prime Minister, I have one comment which amounts nothing at all. 'No comments to offer'. Why When the Prime Minister is required to process the allegations under the ruling of the Chair, she has to make a positive finding. That was avoided. In this *Pratipaksh* we have been branded because they have not given any particular name or names They have put all of us in the same basket for which you cannot blame them because we have not given it to the Press that these are the people, these are the 21 signatories out of which so many are genuine—six or seven or eight and the rest are not genuine. We have not gone to the extent of referring it to any hand-writing experts. Since February, 1972, the whole thing is brewing and the Blitz of the 30th March revealed that the

Government agency knew about it,—If I am wrong, I would like to be corrected,—that he got a lakh and a half for giving signature. My information is this. At least seven Members were connected with the Foreign Trade Minister and signatures were collected and other signatures were forged. This is my information. You said, on the mouth of a volcano a napkin cannot be pinned. That is exactly the position.

MR. DEPUTY SPEAKER: I said, it is easier to pin a napkin in the mouth of a volcano than to stop you from speaking.

SHRI JYOTIRMOY BOSU: Exactly. I wanted this to come from you. Now, what I want to say is this. They are telling about this CBI probe. Mr. George Fernands is in the know of the activities, attitudes, policies and principles of this Government. He knows fully well that the CBI is a pocket edition of the ruling party, particularly, the Prime Minister. And Sir, Mr. Gokhale, our learned jurist friend, sitting here, will tell us specifically, I hope, whether it is a fact or it is not a fact that Mr. D. Sen alias D. Sain Saksena who is supposed to retire immediately was promised extension of two years but now he is being given one year subject to service rendered to the satisfaction of the ruling party. And I am told, the Prime Minister is going to sign this file tomorrow as a reward. The protection of honour of the House is the duty of the Chair and if you abdicate, if you give away, your authority, what is the remedy? As you have very rightly stated, the Governments may come and Governments may go, but the country can be held together if this Parliament functions honestly, effectively and efficiently. Now how can we function if we are painted as a bunch of thieves, dalals and the Leader of the House is painted as fountain-head of corruption and if the House itself is described as a brothel? Sir, the entire country, the entire Press, the international press, is humming with this sad story and wondering what has happened to Indian Parliament. Government is so very anxious to protect their small party considerations and by this they are inflicting serious injury on the body of this House. We had tried two or three times to get clearance on this issue. The matter could not be thrashed out because of disagreement and their adamant attitude in the Business Advisory Committee. We feel, it is the first time, in the history of this House that the Business Advisory Committee could not produce an agreed, accepted, programme for the week. Now they are standily rejecting the case. Mr. Gokhale had taken us for a ride because he is very clever in his deliberations, that had been his profession. They are steadily going on rejecting the case taking the clue from Mr. L. N. Mishra and try to make it *sub-judice*, in any case, when Magistrate takes cognisance of it, the matter will not remain within the purview of the House.

SHRI H. R. GOKHALE: It is very unfair to me.: I have said it very clearly that I am not claiming that the matter is *sub-judice*. I never said that.

SHRI JYOTIRMOY BOSU: How can you allow when they call us, a House of thieves, In Rajya Sabha the Minister said, on the strength of the Memorandum, they amended the rules to lift a clause that debarred certain firms.

Sir, I do not know the background. I shall certainly look into the matter and find out what happened. I am told—why they call us as thieves—that the head of these conspiracy friends sitting here opposite me had collected not less than Rs. 25 lakhs and the Prime Minister knew about it I want to ask what happened to Shri Tul Mohan Ram. Where has he been whisked away? Am I to understand that this Government does not know where he is hiding? Is it a fact that he has given a shelter in some V.I.P.'s house? Why is he not pre-

[Shri Jyotirmoy Bosu]

senting himself before this House? Is it not the duty of the leader of the party to present that Member of Parliament, Shri Tul Mohan Ram before the House on whom we are debating for the last five or six days?

I am only saying this that it is not only because they have called us as Dalals. How can you blame? This Maruti question is still there; cement quota, coal quota is there. (*Interruptions*).

MR. DEPUTY-SPEAKER: Be relevant.

SHRI L. N. MISHRA: Maruti has nothing to do with it.

SHRI JYOTIRMOY BOSU: Shame, shame. Because Mrs. Gandhi has chosen in a public meeting to protect this gentleman. This is the reason.

MR. DEPUTY-SPEAKER: Maruti is not being debated.

SHRI JYOTIRMOY BOSU: How much of cement, how much of steel and coal and how much of railway wagon has been given....

SHRI M. RAM GOPAL REDDY (Nizamabad): Our information is that for every question that he is putting, he is getting about Rs. 4,500.

SHRI JYOTIRMOY BOSU: I shall give you the whole of it. Make a check. You can come to my house and take whatever is there.

SHRI L. N. MISHRA: The things are not in your house. They are elsewhere. I can challenge it. I am told you are getting Rs. 10,000 per mensem for a house in Calcutta.

SHRI JYOTIRMOY BOSU: Your Government can find that out. You find out from the Government.

श्री एल० एन० मिश्र : देख लेंग ।

SHRI JYOTIRMOY BOSU: Sir, last year, in Lucknow, in a public speech she said we shall have a thorough probe in the matter. Then she has somersaulted. This is what they do. I all that I want to do is in favour of the amendment I have moved. That is, all these files should be seized and sealed and they should be brought to the custody of the Speaker. If they have not done, the signatures will be tampered and forged. This House, as a judiciary of its own, has the Privileges Committee. When cognizable offences are committed they go to the judiciary. There is no question of majority or minority affair. The judiciary is asked to sit in judgment over the matter. I cannot understand this. Why should there be an objection to this matter being sent to the Privileges Committee. (*Interruptions*).

SHRI CHAPALENDU BHATTACHARYYIA (Giridih): You have a narrow political approach.

SHRI JYOTIRMOY BOSU: Will the press not be entitled to write, whenever they choose to, that the whole House is gathering of thieves and dalals? I therefore strongly recommend that this matter be sent to the Privileges Committee.

MR. DEPUTY-SPEAKER: Let me now regulate this business. I am not preventing anybody; I am only trying to put the whole discussion on the rails. I was told that the Speaker had observed when this debate was taken up that the debate shall conclude by 2.30 p.m. At 1.45 p.m. when I came to the Chair I found a goodly number of names—those from the Congress and also a good number of leaders from the Opposition are yet to speak. I appreciate the difficulties and predicament of the Government which are conveyed to me by the Minister of Parliamentary Affairs again and again that very urgent official business is there which must be disposed of before we adjourn *sine die*. I am mentioning this because I want to be guided by the wishes of the House. I am in a personal difficulty in this that I feel terribly anguished by what all is happening and what is all being said about us. If this is the price, as we all have been maligned, we pay for becoming Mem-

bers of this House, then I think we have to re-consider our personal positions very very carefully. Irrespective of whether this question is ultimately referred to the Privileges Committee or not, to me that is of secondary importance—the House can take its own decision—but at least the House should be given the opportunity of a full expression on this matter. It is in the interest of the Ministers also whose names have been dragged in here and who are part of the motion admitted by the Speaker. They should have full opportunity to reply to the points. Beyond this House there is this country and the country is looking towards us. Should we dispose of this business like that because of other considerations or should we do it with a little more attention. That is what I want to put before you.

Now, I would like to be guided. We have already crossed the time-limit put by the Speaker in spite of the best efforts.

SHRI K. RAGHURAMAIAH: May I suggest for the consideration of the House and the Chair that maximum you take is one more hour and finish it.

SOME HON. MEMBERS: Two hours.

SHRI K. RAGHURAMAIAH: The point is it is now quarter to three. In any case the Government spokesmen have to speak and some important leaders of the Opposition have to speak I suggest that you so arrange that we take up official work by 3.30 P.M.

MR. DEPUTY-SPEAKER: Let us proceed We will do our best.

SHRI JAGANNATH RAO (Chatrapur). Mr. Deputy-Speaker, Sir, I will be very brief in my submission. I rise to oppose this motion and the amendment moved by Mr. Madhu Limaye. My submission is, this article written by Mr. George Fernandes is scurrilous, malicious and mendacious. He deserves to be condemned Even the Opposition Members say that. The question is, how to condemn him There are two ways, according to me. He has written the article in a paper which is obscure, insignificant and which has no circulation at all.

SHRI PILOO MODY: You mean like the National Herald?

SHRI JAGANNATH RAO: Like your March of Nation. Sir, we should not take notice of such insignificant papers and make much of it. The best thing according to me is to ignore it. It is stinking. I would not like to touch it even with a pair of arms.

Sir, I am guided in my submission by a precedent in this House. With your permission, I will refer to it.

> "Indian Times, an obscure newspaper in its issue of 20th September 1964 alleged in its columns that the Speaker has built a house and has amassed wealth after becoming Deputy-Speaker and that he has writtens to some industrialists to give advertiserments .. ..

MR. DEPUTY-SPEAKER: I have not amassed wealth after becoming Deputy-Speaker.

SHRI JAGANNATH RAO Not you, Sir.

MR. DEPUTY-SPEAKER· I am happier as a poor man than as a rich man

SHRI JAGANNATH RAO. Sir, it is further said here:

> "Mr Mani Ram Bagri and Mr. Hem Barua gave notice of a question of privilege on the ground that the Indian Times had offended the privilege of the House by vilifying the Speaker. Members of the House as well as the Prime Minister suggested that the nauseating article by a small newspaper should be punished by ignoring it, as it was craving for publicity. Later on, the motion was dropped."

Sir, the question is, should we take notice of it? It is a stinking article

[Shri Jagannath Rao]

and it is nauseating. I would not like to look at it, much less touch it, even with a pair of tongs. We should ignore it; we should condemn it.

Sir, my second submision would be, Members from Opposition have been shedding tears for the 21 Members because they say that they are maligned, their prestige is at stake and that the whole House is brought into disrepute. Are they really sincere? Are they *bona fide* in their sub-missions? They are *mala fide*. They have been raising this question for the last one week. They are unnecessarily bringing in the name of Mr. L. N. Mishra and even the name of the Prime Minister, day in and day out. They are *mala fide*. If you compare this article written by Mr. George Fernandes and the submissions made by various Opposition Members, you will find that they exactly tally. This is an article got printed by friends in the Opposition so that they could get over this difficulty because they know that we would not agree for a Parliamentary Committee to probe into this. Therefore, they want to raise the question of privilege and put us in a difficult position.

We should condemn him. There are no two opinions about it.

SHRI PILOO MODY: And the signatories and the Minister and the leader.

SHRI JAGANNATH RAO: Including Mr. Piloo Mody, I would say.

There is no *bona fide* in this. They have no love lost for the Congress MPs. They try, somehow or other, to malign the Congress Party including its leader.

Then, Sir, I come to the question of referring it to the Privileges Committee. Can the Privileges Committee do justice to this? The question is, what are the powers of the Privileges Committee? If you look to Rule 270, which is in Chapter 26 of the Rules of Procedure, you will find that the powers are very limited. The Committee may call for any person, records or papers. They can request for directions from the Speaker from time to time. The Speaker has no powers under the Cr. P. C. He cannot order search and seizure. Therefore, the best agency that can go into this is the CBI. I submitted some days ago that the CBI is the agency that should go into the question. Let us wait the report of that agency. The Government does not want to save the skin of anybody. No offence should go unpunished. By going into this, the Privileges Committee cannot do justice to this problem nor to itself. The article is highly *mala fide* and politically motivated. There are political overtones in the motion moved by the Opposition.

Therefore, I submit we need not waste much time over this We condemn the writer of this nasty and derogatory article by ignoring it. If necessary, we can pass a resolution to that effect.

श्री जगन्नाथराव जोशी (शाहजहांपुर) : उपाध्यक्ष महोदय, श्री पीलू मोदी का जो प्रस्ताव और उस के साथ माननीय मंत्री लिमये का जो संशोधन विचारार्थ सामने आया है, वास्तव में इस का विरोध क्यों हुआ यह मेरी समझ में नहीं आता। क्यों कि बात जिस आधार पर चली, मेरे मित्र श्री हीरेन मुखर्जी ने धर्मचक्र प्रवर्तनाय का हवाला दिया, उस की छाया में हम यहां बैठे है। धर्म होता है कर्त्तव्य, टीका लगाना नहीं। हम लोगों का यहां जो कर्त्तव्य है वह है देश और जनता का हित। हम केवल हस्ताक्षर करते हैं तो किसी अच्छी बात के लिए करते हैं। कल किसी मित्र ने कहा कि किसी महान विभूति का डाक टिकट निकले इस के लिए हस्ताक्षर चाहिए। तो मैंने दस्तखत कर दिये। किन्तु जब किसी को कोई लाभ हो इस बात को ले कर जो हस्ताक्षर हो गये उस को छानबीन करने की बात को ले कर यह विशेषाधिकार का

प्रश्न उठा है, यानी जब यह अखबार में आया। मेरी समझ में नहीं आता कि हम कुछ स्वस्थ परम्परा डालने का निश्चय करेंगे या नहीं। आज कल यह हो रहा है कि इधर उधर मर्यादा भंग ही होती है।

It is observed more in breach.

और जब कोई भ्रष्टाचार की बात होती है तो प्रधान मंत्री कहती हैं कि दुनियां में इस से ज्यादा भ्रष्टाचार है। ठीक है, वाटरगेट का मामला सामने आया। इस का मतलब यह थोड़े ही है कि भारत में भी भ्रष्टाचार हो। भारत में कोई अलग परम्परा है कि नहीं यह हम को तय करना चाहिए। यदि हमारे सामने कोई परम्परा है जिस को आधार मान कर चलते है, जैसे आदर्श राजा राम हुए जिन्होंने ने सीता का सतीत्व अग्नि से सिद्ध होने के बाद भी जनता में रोष चलता रहा, राम के मन में कोई संदेह नहीं था,

श्री मधु लिमये : सीता कौन है ? माननीय ललित नारायण मिश्र ?

श्री जगन्नाथ राव जोशी : जनता के मन में संदेह है तो राम ने सीता का कठोरता से त्याग किया। प्रधान मंत्री कहती हैं कि भ्रष्टाचार कहां है।....

श्री वसन्त साठे (अकोला) : तो आप राम के उस कृत्य को जस्टीफ़ाई कर रहे हैं ? इतना बड़ा अन्याय उन्होंने सीता के साथ किया।

श्री जगन्नाथ राव जोशी : मैं इस सदन का उदाहरण देता हूं। 1968 में मैं यहां आया और मेरे पीछे बैठने वाले एक माननीय सदस्य ने, मैं उनका नाम नहीं लेना चाहता क्योंकि मेरी आदत नहीं है, उन्होंने खुले रूपसे सामने बैठे दो मंत्रियों के बारे में आरोप किया, उन्होंने कहा :

Two Ministers are on the pay-roll of one industrialist.

वह दोनों सामने बैठे थे और मैं यहां बैठा था :

you go through the proceedings. You will find everything.

श्री के० पी० उन्नीकृष्णन : आप नाम बताइये किस ने कहा।

श्री जगन्नाथ राव जोशी : माननीय बनर्जी ने कहा, और एक मंत्री जी आज गवर्नर हैं और दूसरे मंत्री हैं उस बारे में कुछ नहीं हुआ जो आरोप होता है उसको धोने की कोशिश नहीं होती है उसी समय मैं ने कहा था मिस्टर बनर्जी

I will raise a privilege motion against you.' you go through the proceedings.

माननीय बनर्जी ने कहा था कीजिये। बनर्जी साहब कहते हैं करिये :

"I am prepared to go to the Privileges Committee."

मुझे यह अच्छा नहीं लगा आप मुझसे यह मत कहलवाइये। मैं तो सदन में देख रहा हूं कि एक मंत्री के बारे में बहुत सी गंदी बातें कही गई और आप लोगों ने उस का कोई प्रतिरोध नहीं किया गया।

Go through the proceedings; you will see it; I was ashamed actually

आखिर स्वस्थ परम्परा को पैदा कौन करेगा। रोग को छिपाने से रोग दूर नहीं होगा, रोग को निकालना पड़ता है। इसलिए मैं कहता हूं कि लोकतंत्र जो है यह तो एक गेम है।

It is a game; it must be played according to the rules.

फुटबाल को गेंद को लात मारिये, किसी व्यक्ति को नहीं अगर आप अच्छी तरह से खेल नहीं खिलाएंगे, तो फिर यह सदन चलेगा नहीं और मर्यादा भंग होती रहेगी। अब बात यह है

[श्री जगन्नाथ राव जोशी]

कि जिस अखबार ने यह छापा है उस में कई चीजे ऐसी हैं जिन पर विचार होना चाहिये एक तो यह है कि किस ढग से और किन शब्दों में बात कही गई है जिससे मर्यादा भग हुई है इसको देखना है और दूसरी बात यह है कि अखबार म जो पब्लिकेशन का दिन है 8 तारीख है और 3 तारीख को कैसे यह आया । इसकी जाच कौन करेगा । क्या यह जानबूझ कर पहले आया और 3 तारीख को क्यों इसको दूर दूर तक भेजने की दृष्टि [illegible] गया । मैंने उस समय भी कहा था कि आप पर आरोप लगते है तो आप चुप रहते है और जो यह आपकी निति है मौन सम्मति लक्षण भी मिलते है उससे वे आरोप हम पर भी आते है । (व्यवधान)

उपाध्यक्ष महोदय, यह दूसरा अखबार है । पता नही आज सुबह म बाहर निकला, तो यह आ कर गिरा हमारे घर मे और इसमे मैने देखा है कि प्रतिपक्ष ने कहा है कि ससद सदस्य, लोक सभा और राज्य सभा, यानी दोनो को जोडा है, पूजीपतियो और मत्रियो के दलाल हैं । मेरी समझ मे नही आया कि यह क्या है । एक ज्येष्ठ कांग्रेसी नेता के के खिलाफ वह हम को उकसा रहा है । यह आपका अपना झगडा है और इसको आप आपस मे निपटाये । यह सारा अखबार म आता है, बिलिट्ज मे आता है और दूसरा मे आता है । यह तो आप के अन्दर का झगडा है और यह ज्यादा दिनो तक छिप नही सकता । यह तो बाहर आयेगा जरूर क्योकि बेहिसाब जब एक आदमी खाता है, तो उसको हजम नही कर सकता, वह उसका पचा नही सकता और वह अपान वायू के रूप मे फूट कर बाहर आता है। सबको पता चल जाता है । इसलिये खाते समय बेहिसाब नही खाना चाहिए । खाओ इतना जितना हजम कर सको । बेहिसाब खाने से मर्यादा भग होती है । खाने की जब मर्यादा भग होती है, तो आचरण की भी मर्यादा भग होकर वह भ्रष्ट हो जाती है और वह सदन के सामने आती है इसलिये मेरा सवाल यह है कि यह जो आया है, इसको आप छिपाने की कोशिश क्यो कर रहे है । अगर यह विशेषाधिकार समिति मे यह मामला जाता है, तो जाने दो । इतना डरते क्यो हो ? यानी यह चीज जो आई है इसको आप छिपाना चाहते हो । पार्लियामेंटरी प्रोब से डरते क्यो हो ? अभी पूछा गया कि क्या प्रतिपक्ष के ससद सदस्य अपने आचरण को जाच सी० बी० आई० के द्वारा कराने को तैयार हैं ? हमारी जाच सी० बी० आई० क्या सी० बी० आई० का बाप भी कर ले । कौन कहता है कि मत करो। खुले रूप से करो। चिन्ता थोडी है । सवाल यह है कि इनको चिन्ता क्यो है ? आखिर उसमे कोई बात छिपी है क्या ? पार्लियामटरी कमेटी उसको देखेगी और अगर उसमे कोई तथ्य नही है, तो क्या देखेगी। आप कहते है कि सी० बी० आई० इसकी जाच करेगी । मै आप का सत्य बताऊ कि सी० बी० आई० पर से हमारा विश्वास उड गया है तब से जब उन्होने हमारे प्राण प्रिय नेता श्री दीन दयाल उपाध्याय की हत्या को चोरी का मामला बताया । जिस आदमी के पास चार किताबे थी और जिस के पास कोई प्रोपर्टी थी, न उसका कोई रिलेशन था और उसका पैसा किसी बैंक मे था, उसके कातिल को ये सी० बी० आई० वाले नही पकड सके । जिस का शरीर एक चादर से ढका हुआ था और जिस के पास कुछ भी नही था, उसकी हत्या के मामले का यह चोरी का मामला बताते हैं । यह कोई मामला चोरो का हो सकता है और प्रधान मत्री हम को यह बताने की कोशिश करती है कि हम सी० बी० आई० से जाच करायेगे ।

Can anybody believe in the CBI?

आप को शर्म आनी चाहिए कि आपके राज म हत्या होने के बाद आज तक आप कातिल को ढूढ नही सके है । यह किस का कसूर है ? यह आप का कसूर है और हम छाती पर पत्थर

रख कर छुट रहे । सी० बी० आई० ने इस तरह से कुछ नही किया । उसके बाद जो जाच हुई, उसने भी कुछ नही निकला । उस का पारोतोषिक किसी को क्या मिला यह भी मै जानता हू लेकिन मै किसी पर कीचड उछालना पसन्द नही करता । मैंने तो सी० बी० आई० का यह एक उदाहरण आप के सामने रखा है । इसलिये हमारा विश्वास सी० बी० आई० पर से उठ गया है । क्यो उठ गया यह मैंने कहा ।

श्री श्यामनन्दन मिश्र : हमारा भी उठ गया है ।

श्री जगन्नाथराव जोशी : आप पार्लियामेंटरी प्रोब का विरोध क्यो करते है ? (व्यवधान) जिन्होंने दस्तखत किये हैं, वे मेरे मित्र है । मै उन को अच्छी तरह से जानता हू और मुझे लगता है कि वे ऐसा काम कभी नही करेंगे । उनकी इज्जत हमारी इज्जत है और आज हमारी इज्जत दाव पर लगी हुई है और जितनी जल्दी आप हमे इससे निकाले उतना ही अच्छा है वरना हर दिन कोई न कोई अखबार इस के बारे मे लिखता रहेगा । आज कल अखबारो के एडिटोरियल्स भी देखने लायक है । मझे ऐसा लगता है कि अगर कोई गलती बताई जाए, तो उसे सुधारना चाहिए उस को छिपाने से कोई फायदा नही है । प्रधान मत्री जी कहती है कि भ्रष्टाचार के नमूने दो । भ्रष्टाचार के नमूने दिये जाते है, तो आप जाच नही करवाते । आप इस मामले को पार्लियामेंटरी प्रोब क्यो नही कराते । अगर आप जाच की बात मान ले तो मामला खत्म हो जायेगा । हर रोज आरोप लगाए जाते है, यह अच्छा नही है । बजाय इसके कि आप आरोपो को जाच कराय, आप भी दूसरो पर आरोप लगाने लगे और श्री राम गोपाल रेड्डी ने श्री ज्योतिर्मय बसु को कहा कि इनको 4,500 रुपया मिलता है । इस से यह सिद्ध होता है कि आप भी लेते है, यानी इस से क्या निकला कि यह भी लेते है और आप भी लेते हैं । आपने यह कह कर अपना पाप धोना चाहा । यह तो वही बात हुई जैसे कि कई सज्जन एक नाव मे जा रहे थे, तो उस नाव मे एक छिद्र हो गया और उसमे से पानी आने लगा । तो उस मे एक श्री राम गोपाल रेड्डी जैसे विद्वान बैठे थ । वे दूसरे सज्जन बोले कि डरते क्यो हो एक छिद्र मे पानी आने लगा तो एक दूसरा छिद्र और कर दो, तो पानी बाहर निकल जायेगा । पानी बाहर तो नही निकला, दोनो ही छिद्रो से पानी अन्दर नाव मे आने लगा । आखिर आप पर जो आरोप लगाये गये हैं, तो बजाय यह बताने के कि ये आरोप ठीक नही हैं, आप दूसरो पर ही आरोप लगाने लगे । Two wrongs cannot make a right. इसलिये मै कहता हू कि सत्य सत्य होता है । मै इसको मानने वाला हू "सत्य ब्रूयात् प्रिय ब्रूयात् "। जो भी आप को करना है, करिये लेकिन मर्यादा भग न हो । इस देश मे पुराने जमाने से सत्य की परम्परा चली आ रही है और इस देश का बडा स्वस्थ परम्पराए रहा है । आज प्रो० मुकर्जी ने भी स्पष्ट बता दिया कि अब उनको कोई भरोसा नही है और इस के बाद जो आएगा, उसको भी हम देखने है, कि सब की जबान है लेकिन वह बन्द हो जाती है, वह बोल नही सकती है, आखे है लेकिन देख नही सकती, कान है लेकिन सुन नही सकते और जो किसी ने चाहा बस कह दिया कि सब ठीक है ठीक है और उसी को लेकर चलना है । सत्य बात क्या है इसको नही देखा जाता । तो यह एक अलग बात है किन्तु भारत एक ऐसा देश है जहा यह खुली छूट है कि जबान किसी की कोई बन्द नही कर सकता । आज से एक हजार साल पहले शकराचार्य जी ने कहा था कि मै वेदो को प्रमाण तब तक मानने के लिये तैयार नही हू जब तक कि मेरे अनुभव उनके अनुकूल न हो । इससे मुक्त मन आप को कही मिलेगा नही । "बाबा वाक्य प्रमाण, वेद वाक्य प्रमाण' । ऐसी स्थिति मे एक लकोटो बाधने वाला सन्यासी भी खडे हो कर यह कहता था कि मै इसको मानने के लिये तैयार नही हू जब तक कि मेरे स्वय के अनुभव मे यह बात न आ जाय अनुभव के आधार पर ही हम यह मानने वाले है

[श्री जगन्नाथराव जोशी]

यदि अग्नि से उगली जलती है तो मै कहूंगा कि अग्नि झूठी नही है। तो आप देखे कि इस देश मे जो परम्परा रही है, वह सत्य की परम्परा रही है।

इस देश की जो परम्परा है उस पर इसको खडे रहना चाहिए। सत्य को लेकर हम को चलना पडेगा, परस्पर विचार विमर्श करना पडेगा, आदान प्रदान की भावना का प्रदर्शन करना पडेगा और उसका जो नतीजा निकलता है उसको स्वीकार करना पडेगा। एक प्रदेश मे मडन मिश्र जैसे लोग पैदा हो गए है जो अलग विचार रखते थे किन्तु थे बिहार के ही और उसी बिहार प्रदेश मे एक और मिश्र पैदा हुये है जिन के कारनामे आपके सामने हैं। कहा वह मिश्र और कहा यह मिश्र ? कहा से हम कहा जा गिरे है। व्हट ए फाल इज देअर माई कट्रीमैन। अगर यही हालत रही तो कैसे स्वस्थ परम्पराए डाली जा सकती है। जो पूरा मामला है इसको आप विशेषाधिकार समिति को सौप द और श्री अटल बिहारी वाजपेयी जी ने जो प्रस्ताव दिया है उसमे भी आप को डरने की जरूरत नही है, सत्य होगा तो आज नही तो कल बाहर निकल आएगा और अगर आपने इसको नही माना तो लोग यही कहेगे सगति सगतो दोषः और हम भी उसमे आपके साथ-साथ घसीटे जाएगे और हम भी और भी न घसीटे जाए इसके लिये आवश्यक है कि आप जाच करवा ले ताकि पार्लियामेट की गरिमा बनी रहे, मेम्बरो की गरिमा बनी रहे। लिमये जी का जो सशोधन है वह भी बहुत जरूरी है और जितने भी कागजात है वे सारे स्पीकर महादय के पास रख दिये जाने चाहिए।

15 hrs.

श्री ए० बी० शर्मा (बक्सर) 'प्रतिपक्ष' अखबार मे जो कुछ छपा है उसके लिये उस अखबार के खिलाफ कार्यवाई करने के लिये इस मामले को प्रिवेलेज कमेटी के सुपुर्द करने का श्री पीलू मोदी ने प्रस्ताव रखा है। उन्होने तथा दूसरे विपक्ष के जो वक्ता बोले हैं उन्होने सभी ने एक सवाल पूछा है कि आखिर कांग्रेस के लोग इसका विरोध क्यों कर रहे हैं। अब आप अगर अखबार को देखेंगे तो या इसके बारे मे जानकारी हासिल करने की कोशिश करेंगे तो मेरा विश्वास है कि आप मे से बहुत के लोगो ने इस अखबार का नाम तक भी आज से पहले नही सुना होगा, इस अखबार के नाम तक को आप नही जानते होगे। इसका सर्क्युलेशन अगर हो सकता है तो ऐसे लोगो मे ही हो सकता है और ऐसे लो ही इसको ले सकते है जिन को इस तरह की बातो मे रस मिलता है, ऐसे लोग श्री लिमये जैसे लोग ही हो सकते है या जोशी जी को ही यह ज्ञान इस तरह के अखबारो से प्राप्त हो सकता है। वह ज्ञान या उपदेश दे रहे थे और यह ज्ञान उनको इसी अखबार से प्राप्त हुआ प्रतीत होता है। इस अखबार का सर्क्युलेशन इतना कम है कि इसका नाम भी आज तक लोगो को पता नही था। इस अखबार मे जो कुछ छपा है उसमे सदन या ससद सदस्यो की मर्यादा को क्षति पहुची है इस दुख से और पीडा से उद्वेलित हो कर हमारे भाई श्री पीलू मोदी न सदन के सामने यह प्रस्ताव प्रस्तुत किया है और उसमे सशोधन पेश किया है, उनके मित्र श्री लिमये ने। इस प्रस्ताव को सदन के सामने ला कर मै समझता हू कि जितनी क्षति इस अखबार ने ससद तथा ससद् सदस्यो की मर्यादा को पहुचाई है उससे हजारो और लाखो गुना अधिक क्षति इस सवाल को सदन मे रख कर श्री मोदी ने पहुचाई है। दस बीस कापिया। इसकी छपवा करके बटवा दी गई होगी। अब उसको कौन देखता है, कौन सुनता है। लेकिन श्री मोदी ने इस चीज को सदन के सामने उठा कर इस अखबार के दुर्नाम को सारी दुनिया मे फैलाया। इसे अखबार का जो सम्पादन करने वाले है, इसको चलाने वाले है उनके सबध मे मै अधिक कुछ नही कहना चाहता हू। सदन की मर्यादा की बात हम कर रहे है, ससद् सदस्यो की मर्यादा की बात कर रहे है। लेकिन मै आपको जो कुछ इस अखबार के सम्पादक ने आज से कुछ दिन पहले विदेशो मे जा कर कहा वह बतलाना चाहता हू और

उसको सुनकर आपका और हर भारतीय का सिर शर्म से झुक जायगा। उन्होंने कहा कि भारत सरकार ने न्यूकलियर टैस्ट किया है वह उस देश मे किया है जहा की साठ प्रतिशत से अधिक जनता भूख से पीडित है और ऐसा उसने इसलिये किया ताकि जनता की जो मांगें है, उसकी जो तकलीफे है उनको कुचला जा सके, देश मे हर तबके के लोग....

श्री मधु लिमये मेरा प्वाइंट आफ आर्डर है। इन्होंने कहा है कि देश की साठ प्रतिशत जनता कंगाल है,—ऐसा श्री जार्ज फरनांडीस ने कहा है। इनकी गलती हुई है। इनको 66 प्रतिशत कहना चाहिए था। श्री मोहन धारिया जी का कहना है कि 66 प्रतिशत जनता कंगाल है।

श्री ए० पी० शर्मा इनका शर्म आनी चाहिए। ये संसद् सदस्यों की मर्यादा की बात करते है संसद की मर्यादा की बात करते है, देश की मर्यादा की बात करते है, उसके हनन की बात करते है लेकिन विदेशों मे जा कर यह कहते है उस चीज के बारे मे जिस को देश की तमाम जनता ने और विपक्ष ने भी स्वीकार किया है, श्री लिमये जी ने भी शायद किया होगा, दंडवते जी ने तो मुंह से कहा कि देश के सभी लोगों ने इस बात को गौरव से स्वीकार किया है कि हमने न्यूक्लियर टैस्ट किया है, कि जिस देश मे साठ प्रतिशत जनता गरीबी की लाइन से नीचे है, उस देश ने न्यूक्लियर टैस्ट इसलिये किया गया है कि गरीब जनता की जो मांगे है, जो उसके सवाल है रेल मजदूरों की जो मांगे है, उनको नजरदाज किया जाय, उन की तरफ से एटेंशन डाइवर्ट लोगों की की जाय। इस तरह के जो लोग हमारे देश की बदनामी विदेशों मे जा कर करते है, विदेशी शक्तियों से मदद लेकर जो हमारे देश की इस तरह से आलोचना बाहर जा कर करते है तो जब वे देश के किसी बड़े आदमी या संसद् या संसद् सदस्य की मर्यादा का हनन करते है तो मै कहता हू कि ऐसे लोगों को हमें घृणा की दृष्टि से देखना चाहिए (व्यवधान)। मैं समझता हूं कि श्री पीलू मोदी ने इस अखबार से कहीं अधिक हमारे सदन, हमारे संसद् सदस्यों की मर्यादा को क्षति पहुंचाने की कोशिश की है और इससे भी बड़ा प्रिवेलेज का सवाल इनके खिलाफ होना चाहिए। इस अखबार को कोई नहीं जानता था। दो चार पाच घरों मे अगर यह आता भी था तो वहां भी इसको रद्दी की, गंदगी की टोकरी मे फेंक दिया जाता था और जिस चीज को ये पढ़ नहीं सकते है उस चीज को इन्होंने सदन मे उठाया। हमारी मर्यादा की इनको बहुत फिक्र है, संसद की मर्यादा की इन्हे बहुत फिक्र है। लेकिन मै कहना चाहता हू कि एक राजनीतिक साजिश इनकी है। कुछ विरोधी पार्टियों ने राजनीतिक षडयंत्र इसके आड मे रचा है। और उसमें इन्होंने फायदा उठाने की कोशिश की है। उन्होंने पूछा है कि कांग्रेस के लोग किस बात का विरोध कर रहे है, प्रिवेलेज मोशन का विरोध किस बात को लेकर कर रहे है? अखबार पढकर इन्होंने सुनाया है। इस मे जो लिखा है उसके खिलाफ ये लोग बोल रहे है। साफ है कि इस लोग जो कुछ भी इस मे लिखा गया है उसके खिलाफ इसलिये नहीं बोलते है कि उसका हम नफरत की निगाह से देखते है और विरोध इसलिये कर रहे है कि इसके पीछे जो इंटेंशन है, जो इनका मोटिव है वह संसद् की मर्यादा को बढाने का नहीं है बल्कि सारे देश और दुनिया मे संसद् सदस्यों और संसद् की मर्यादा का क्षति पहुचाने का है।

प्रो० हिरेन मुखर्जी एक बुजुर्ग नेता है। उनके भाषण से ऐसा लगा कि उनके दिल को पीडा है और दर्द है और बहुत ज्यादा है। मै उन से निवेदन करना चाहता हू कि कीचड से कीचड नहीं धोया जा सकता है, कीचड को धोना हो तो वह निर्मल जल से ही धोया जा सकता है। निर्मल जल को ढूंढने की कोशिश कीजिए। यह जो अखबार मे निकला है इस से देश के अन्दर कोई स्वच्छता का प्रचार आप नहीं कर सकते।

एक माननीय सदस्य शर्मा जी ने मान लिया कि कीचड़ है।

श्री ए० पी० शर्मा : कीचड़ है और उस कीचड़ को आप इस्तेमाल कर रहे हैं और कीचड़ उछालने में। इस मौके पर मैं एक ही बात कहना चाहता हूं कि यदि सचमुच संसद् की मर्यादा में हमारे विरोध पक्ष के लोग चाहे वह वाजपेयी जी हों या प्रोफेसर हीरेन्द्र नाथ मुकर्जी हों या श्याम नन्दन मिश्र जी हों, इन्होंने अपने भाषण मे कहा कि

'Is the decision to be taken by the majority?' I want to know who will take the decision in a parliamentary democracy. The majority will take the decision. You will take the decision or the majority will take the decision?...

SHRI SHYAMNANDAN MISHRA: On merits.

SHRI A. P. SHARMA: You have tried and failed. When you come in majority. You can take the decision.

श्यामनन्दन जी इन बातों को परदा डालने के लिए और अपनी दलील को आगे बढ़ाने के लिए इनमें बहुत रस लेते हैं। मधु लिमये जी जब भाषण कर रहे थे तो ये उसमें बहुत रस ले रहे थे। लेकिन इस तरह को जो बातें होती हैं उनमें रस लेने से कोई स्वस्थ्य परम्परा और कोई अच्छी बात देश के अन्दर स्थापित नहीं कर सकते हैं।

इसलिए यह जो प्रस्ताव रखा हुआ है श्री पीलु मोदी ने यह मोटिवेटेड है। इस के पीछे संसद की मर्यादा के हनन का प्रश्न नहीं है, उस मर्यादा को स्थापित करने का कोई सवाल नहीं है,। संसद सदस्यों की मर्यादा को बढ़ाने की बात उसमें नही है। इस के पीछे इन की अपना उल्लु सीधा करना है जो इन्होने, तमाम पार्टियों ने मिलकर के दिया है चाहे वह पूंजीपति पार्टी हो, चाहे वामपंथी पार्टी हो, चाहे दक्षिण पंथा पार्टी हो, सभी मिल कर यह करना चाहते हैं, इसलिए सवाल को प्रिविलेज कमेंटी में भेजने के बजाय संसद् के सामने एक स्वर से उस की भर्त्सना करना चाहिए उस अखबार मे जो छपा है उस को और जो पीलू मोदी ने मोशन दिया है जो मोटिवेटेड है उस की भी मैं भर्त्सना करता हूं।

SHRI SEZHIYAN (Kumbakonam): I am conscious that this is not an ordinary debate. For the time we are going to spend and the impact it is going to create in the minds of the people outside, I feel the discussion and more than that, the attitude of the Government on the whole affair will have far-reaching effects.

Mr. A. P. Sharma said that we should ignore the paper which has published a scurrilous article, that it is a very small paper, that it has no publicity, that by giving publicity to that paper, Mr. Piloo Mody has done a great injustice to this House and that he should be hauled up before the Privileges Committee. Now, I am not concerned with this paper. I am not concerned here with the motivation of Mr. Piloo Mody nor with the bigness or the smallness of the paper. My whole anxiety is this: that in the process, the dignity and the confidence with which the people have been looking upto this House has been severely damaged. Just now from that august Chair you said that the entire country is looking upto this House. If we fail on this crucial occasion and if we do not vindicate the prestige of this House, I will take it that the country, instead of looking upto the House, will look down upon the House and the time is fast approaching when the Members of Parliament when they go out, may try to go unnoticed. They will not feel proud to give their identity when they travel in bus or train. That is the stage which has come. Mr. A. P. Sharma said, dirty linen cannot be washed with dirty water. I agree. But our contention is CBI is not the proper water to wash this dirty linen. A Parliamentary probe is the only clean water that is available with this House to wash the dirty linen. At least he has agreed there is dirty linen.

Why do you want to hide the dirty linen? Why do you want to shut out a discussion?

The hon. Member over there said the majority will decide, the minority cannot dictate to the majority and all that. Mr. Kartik Oraon who is not here now, said, "we can do away with the opposition, we can run the Parliament without the opposition". Please run it. Can they do it? I think he spoke somewhat with anger, but there was applause in the House when he said that. He has got every right to dislike the entire opposition. But when he said, the House can be run without opposition, and when he got applause for it, that was something which hurt me. I concede that a majority of 360 can run the House, without the opposition. There will be a Parliament but there will not be democracy in it. The majority can take a decision. That is the procedure laid down in Parliamentary democracy, I concede. But there must be a free and frank discussion before decision is taken. There should be debate before decision is taken. The opposition only wanted a discussion to take place on this matter. We know we are a minority; we may not be able to push through what we want. We come here at 10 o' clock or 10-30 and prepare ourselves only for putting forth our point of view even though we may not hope to succeed in carrying it through. If that is the stand, once the numbers are known after an election we can close the portals of the Parliament and then say, 360 Members will run it . . .

SHRI PILOO MODY: There is a Bill before the Select Committee to do that.

SHRI SEZHIYAN: It is not a question of majority or minority; you have to take decision only after a debate is held. If this is not done what is the function of Parliament, Sir? It gives to the Prime Minister a mandate to form a Council of Ministers to run the Government. It does not end there. Parliament scrutinises, Parliament discloses certain things, it criticises Government, it wants to inform itself and to inform the country of what happens here. This is the method of functioning of parliamentary democracy as we understand it. Unless these opportunities are given, it cannot be said that we have parliamentary democracy. Why do you want to shut out discussion? That is the thing they are trying to do. Here is a peculiar situation where a Privilege Motion is brought in. The Minister of Parliamentary Affairs opposes it. Why? Mr. A. P Sharma said it is a stinking paper. Let me take a very big paper. What does it say?

MR. DEPUTY SPEAKER: Is it 'stink' or 'sting'?

SHRI SEZHIYAN: The whole Parliament's name is sinking because of this scandal. There is a big paper "Times of India". Do you know what is the editorial today?

MR. DEPUTY-SPEAKER: I have read all papers. I read all papers before I come to the House at 10 o' clock.

SHRI SEZHIYAN: What does the editorial say? It says:

> "It Stinks! The stench produced by the import licence scandal has made almost everyone in the country sick except the government."

I do not want to repeat the whole of it. Now, I want to know one thing. I am not concerned with a big or a small paper or with a big or a small man. Small men in the factories and in farms small men in market places and in small lanes are discussing this matter. You may shut out the discussion here. But it is being discussed by men in distant villages and in crowded streets.

Again and again it has been said that the C.B.I. is there. "C.B.I. is investigating it, why don't you wait? That is the reply given here. This country waited for five long months.

[Shri Sezhiyan]

On 30th March, the Blitz published this thing. We were told that the C.B.I. was entrusted with this matter. The question came in the other House and the Minister, Prof. Chattopadhyaya gave the answer in a very calculated and in a very chosen way. He did not say that the C.B.I. was investigating. He said there was a "secret verification of the C.B.I." I do not think that verification is an investigation

SHRI K. P. UNNIKRISHNAN: That is the answer to the question about the persons who had put in their signatures.

SHRI SEZHIYAN: I take this reply as given by him. He has given the reply. I take his words. When the question came up, the Minister Shri George said that it was sent for "a discreet verification of the names". The verification is not an inquiry. It is not an investigation. Enquiry in the name of verification is not en investigation at all. Verification means verification of those signatures—genuine or forged ones. The process of licensing stands discredited. More than anybody else, I charge that when any allegation is made, that has to be cleared. That is why we want a Parliamentary probe. What we want is a Parliamentary Committee composed of different members. Of course the ruling party members will have a dominant share there. Their number will be reflected because of the strength here. Then, why are you afraid of a Parliamentary Committee's probe.

SHRI C. M. STEPHEN (Muvattupuzha): Is it your position that whenever an allegation is made, a Parliamentary inquiry should be ordered? Even for this enquiry, you have to satisfy yourselves about the nature of the allegation. And then the matter must be referred to Parliamentary Committee. Are you aware of the ruling in this House? Before a matter is referred to the Parliamentary Committee, there must be a preliminary enquiry made and the leader must be satisfied that there is a *prima facie* case which warrants a matter to be referred to the Privileges Committee and then the inquiry takes place. Whatever be the nature of the inquiry, is it your contention that the moment an allegation is made, that should be referred to the Committee?

SHRI SEZHIYAN: I fully respect the sentiments expressed by my friend. I can also understand his reactions to it. Is it not desirable to have a Parliamentary Committee to probe into it? You may say the C.B.I. is there. The leader should first satisfy herself or himself before sending the matter to the Parliamentary Committee. These are all matters to be discussed. I want a full discussion on this subject. Basically, all these things should be discussed and why not discuss these in a calm way. Let us have a discussion whether we should have a Parliamentary Committee or not.

SHRI SHYAMNANDAN MISHRA: So far as the question put by my hon. friend is concerned, I think, we must know that in such matters when a misdemeanour of a hon. Member of the House is involved then it is a Parliamentary Committee which is supposed to be a fit instrument to go into it. That is what happened in the case of Mr. Mudgal. An *ad hoc* Committee of the House was constituted under the Chairmanship of Shri T. T. Krishnamachari. The investigating agency in the case of misdemeanour of an hon. Member ought not ordinarily be an agency like the CBI. It must be an agency of the House.

SHRI C. M. STEPHEN: I may say for the information of the House that subsequently to the case of Mr. Mudgal which was in 1951 on May 31, 1967 here was a final ruling by the Speaker of the Lok Sabha with regard to the procedure to be followed. It is a long ruling. When a charge is made against a Member and a Minister and when it is sought that the matter should be referred to the Parliamentary Committee it is imperative under that ruling before a motion is made a preliminary enquiry

be made a *prima facie* case should be established otherwise a motion cannot come before the House

SHRI SHYAMNANDAN MISHRA You please read out that ruling

SHRI C M STEPHEN The ruling is Yesterday when the Calling Attention Notice was being answered by the Prime Minister Shri Madhu Limaye referred to notice of a motion which he had tabled regarding the appointment of a Committee of Parliament to investigate into the charge against the Ministers who were on the pay of Birlas I then said that I had not seen the notice and after I had considered it I would give my decision

I have now looked into the notice by the Member The hon Member has tabled it under rule 184 The notice reads as follows

> "This House resolves that a Committee of 15 Members of Parliament be appointed to investigate into the charge against the members of the Cabinet that they are in the pay of Birla group and that Rajya Sabha be requested to appoint 6 of these Members"

The hon Member has not specified the names of the Ministers nor the charges against them The notice is in the nature of an inquiry into the conduct of Members of this House or the other House At present there is no Minister who is not a Member of either House In order that a notice of a motion on the conduct of a Member may be admissible certain preliminary procedures have to be followed I would refer the hon Member to the procedure that was adopted in 1951 when a Committee of inquiry into the conduct of M G Mudgal, a Member of Provisional Parliament, was appointed Briefly speaking, the procedure antecedent to the discussion of a motion in the House is as follows

> "Anyone who has reasonable belief that a Member of Parliament has acted in a manner which, in his opinion, is inconsistent with the dignity of the House or the standard expected of a Member of Parliament may inform the Leader of the House (Prime Minister) or the Speaker about it The person making such an allegation should first make sure of his facts and base them on such authentic evidence documentary or circumstantial as he may have He should be careful in shifting and arranging facts because if the allegations are proved to be frivolous worthless or based on personal jealousy or animosity

directly or indirectly he will himself be liable to a charge of the breach of privilege of the House Therefore, it is of the utmost importance that allegations are based on solid, tested and checked facts.

When information regarding the alleged misconduct on the part of a Member of Parliament is received, the usual practice is that the Prime Minister examines the whole evidence and if he is satisfied that the matter should be proceeded with, he will give a full and fair opportunity to the Member to state his own version of the case, to disprove the allegations against him and to place before the Prime Minister such information as may assist him to come to a conclusion After the Member's explanation oral or written, is received by the Prime Minister, he shifts the evidence critically and together with his conclusions places the whole matter before the Speaker If the Member has given adequate explanation, and it is found that there is nothing improper in his conduct and he is cleared of the doubts, the matter may be dropped and the Member exonerated If however on the basis of the explanation given by the Member and the evidence, it is held by the Speaker that there is a *prima facie* case for further investigation the matter is brought before the House on a motion for appointment of a parliamentary committee to investigate the specific matter and report to the House by a specific date

[Shri C. M. Stephen]

However, if in the course of preliminary investigation, it is found that the person making the allegations has supplied incorrect facts or tried to bring discredit to the name of the Member wilfully or through carelessness, he would be deemed to be guilty of breach of privilege of the House."

"I will, therefore, suggest to the Members or any one who wishes to make any charges against any Minister to follow the above procedure."

Subsequent to that, Mr. Madhu Limaye rose up and said 'I accept this ruling'. That was accepted. What I am trying to say is this. I am not defending either way. When you say that merely because there is allegation, immediately, a reference to the Parliamentary Commentary Committee must be moved for by a motion and there should be no preliminary enquiry whether there is *prima facie* case or not, my submission is, in the light of this ruling, that is not the procedure to be followed. What should be the scope of the preliminary investigation is a matter for the leader of the House and the Speaker to decide. But, there must be a preliminary investigation, before a *prima facie* case could be established and the motion is taken.

श्री शंकर दयाल सिंह (चतरा): उपाध्यक्ष महोदय, इस चर्चा के लिए साढे तीन बजे तक का समय निर्धारित किया गया था और अब साढे तीन बज चुके है इसलिए मैं जानना चाहता हूं यह चर्चा कब तक चलती रहेगी ?

SHRI SEZHIYAN: Mr. Deputy-Speaker, Sir, Mr. Stephen need not have laboured so much with a lengthy quotation from that debate. I accept that position. He says, without a *prima facie* case, how can we proceed. I am not questioning even that at this stage. I will come to it later on. My point is when there is a motion before the House, when the motion is discussed, whether there should be a parliamentary probe or not, let him come with all these lengthy quotations.

SHRI C. M. STEPHEN: It was ruled out on this basis that there was no preliminary enquiry. That is the basis. The motion does not stand.

SHRI SEZHIYAN: We will present our case later on, why there should be a parliamentary probe.

SHRI ATAL BIHARI VAJPAYEE (Gwalior): Here, the motion has been admitted by the Speaker, not ruled out. The motion is there. We have discussed.

श्री मधु लिमये : मेरा प्वाइंट आफ आर्डर है। मैं मुद्गल रिपोर्ट ले आया हूं।

MR. DEPUTY-SPEAKER: Order please. Mr. Limaye, what is the order? The order is that Mr. Sezhiyan is in possession of the floor and in keeping with the parliamentary practice, if the Member yields, then another Member can speak. (*Interruptions*) I am telling you what is the order. You were not in the House I saw you coming later on. Kindly sit down. Hold your patience for one minute.

SHRI MADHU LIMAYE: I am doing a service to the House.

MR. DEPUTY-SPEAKER: I know. Hold your patience.

PROF. MADHU DANDAVATE: His going out was very relevant. He had gone to the library.

MR. DEPUTY-SPEAKER: Let us understand the order in the House. The order is that Shri Sezhiyan is in possession of the floor. He was making a speech. Then with his consent, when he yielded, Shri Stephen intervened.

SHRI MADHU LIMAYE: On point of order.

इन्होंने इन्टर्वेन्शन किया है, मुद्गल कमेटी की रिपोर्ट के आधार पर मेरा जो मोशन था उस-पर रूलिंग कोट कर रहे थे। हमारे जो एडमि-टेड मोशन्स हैं फार ए पार्लमेन्टरी प्रोब–

MR. DEPUTY-SPEAKER: What is the order now?

SHRI MADHU LIMAYE: The admitted motion on a parliamentary probe published in the bulletin and the Mudgal motion—they are similar. You rule on that.

MR. DEPUTY-SPEAKER: I rule. I have ruled.

SHRI MADHU LIMAYE: Let me complete my point of order.

MR. DEPUTY-SPEAKER: You have asked me to rule.

SHRI MADHU LIMAYE: Have you read the Mudgal Motion? Is it before you?

MR DEPUTY-SPEAKER: That is not under discussion.

श्री मधु लिमये : इन्होंने मुद्गल कमेटी की रिपोर्ट का आधार लेकर इन्टर्वेन्शन किया है इसलिए मैं भी प्वाइंट आफ आर्डर के लिए एन्टाइटिल्ड हूं।

I am entitled to raise a point of order.

MR. DEPUTY-SPEAKER: Kindly sit down. These are so many exuberances and effusions. They are not really germane to the discussion.

SHRI MADHU LIMAYE: They are on record.

MR. DEPUTY-SPEAKER: They may be on record. Sometimes we cannot prevent things. When a member yields and another member intervenes, the matter ends there. I cannot allow this because otherwise it becomes a debate within the speech of Shri Sezhiyan.

SHRI MADHU LIMAYE: Allow me to lead the Mudgal Motion.

MR. DEPUTY-SPEAKER: I cannot, because only one member can intervene.

PROF. MADHU DANDAVATE: He is yielding.

MR. DEPUTY-SPEAKER: Even if he yields, when I see that the House is going out of order, I have the right to intervene. Only one member can intervene, if he yields; not two or three as it then becomes a debate within a debate. I cannot allow that.

PROF. MADHU DANDAVATE: Shri Madhu Limaye's name was mentioned by Shri Stephen.

MR. DEPUTY-SPEAKER: There should be some other occasion, not now. I cannot allow this now because it comes a debate within a debate. He can raise it at the proper time, not at this stage.

SHRI SEZHIYAN: Instinctively, I allowed Shri Stephen to intervene because I am a person who believes in democracy, in debate and in ascertaining others' opinions. I am not relying on numerical strength inside the House or outside. Therefore, I wanted to know what he wanted to say. But what he said has not proved anything. If I may say so, it has gone against him. He asked whether a *prima facie* case has been there. It was because there was a *prima facie* case that Government asked the CBI to verify. Without a *prima facie* case, the Government would not have moved.

Secondly, in the case there is a world of difference between this motion moved by Shri Vajpayee and others and the other. That was ruled out and this has been admitted by the Speaker. Only time has to be allotted, nothing more than that. Only we want the time to be allotted by the Leader of the House or by the Minister of Parliamentary Affairs. Our request has not so far been complied with. That is the basic complaint I am making now.

[Shri Sezhiyan]

In this case, on that day when this question came up for discussion, I raised one pertinent point Probably in the lin of so many voices, mine was not heard very properly and was not given due consideration We have reached a stage in the consideration The question of privilege has been admitted The question has been established in this House Now we are proceeding under rule 226 whether the question of privilege should be disposed of by discussion in the House or should be sent to the Privileges Committee The House itself often times takes a decision Suppose some person in the gallery throws down some papers, the House itself decides the case because it is aware of the full facts and the background Suppose the matter is complicated then it requires closer scrutiny and a committee of the House which enjoys all the rights and powers is asked to go into the matter and to report to the House The report can be discussed in the House That is only a process

If the ruling party says that this question should be decided on the floor of the House, they should give me the secessary background namely the memorandum purported to have been written by them what it contained, whether they asked for a general revision of policy, did they mention certain firms to be shown some favours, what was the endorsement made by the Minister, whether there was any remmder from the member or members who sent the memorandum When we write a letter, an acknowledgement comes Was any acknowledgement sent to the 21 Members? If acknowledgement was sent what did they do with that acknowledgement? If no acknowledgement was sent in this case why the usual practice of acknowledging a letter from a Member was not followed in this case? My information is incomplete In conclusion, I also want to know what happened to the memorandum given by the Members. These are pertinent matters which we should know before we decided this question Do they think that they have a majority and they can shut out any discussion? This is not a party matter Party is a small thing compared to Parliament Members who were there in the Treasury Benches are here and some of them here might join the party or from a Government I am raising this question not because it pertains to the ruling party but because whatever is said affects the entire House, it affects every Member in the House When this cloud is hanging over Parliament, thyc cannot work properly I greatly admire the late Pandit Jawaharlal Nehru for his frankness and sincerity When the Mudgal case was here they said that it should be taken up at the party level they said that there should be a party enquiry But Nehru said No it should go to Parliament He said that it should be debated by the House

The problem of the behaviour of every hon Member is the business of the House and I feel that any action taken by a Member that may not be in consonance with propriety and good behaviour, of what is expected of him should be enquired into and it should be fair both to the House and to the Member concerned" In this matter also we appeal to the Leader of the House Be fair to the Members of the House, the House is under a cloud

The confidence in parliamentary democracy is shaken People are now openly saying that parliament cannot solve the problem Instead of solving the problems it is accumulating ignominous columnly against itself The entire profession or following of politics has come to such a stinking level Parliament itself is stinking Therefore, my plea is this Save the Parliament Save democracy in this country Just to save one or two persons, you are killing the entire parliamentary democracy in this country

Therefore, my appeal to the members of this House is You may or may not accept a parliamentary probe But give us an opportunity to debate Otherwise this House does not deserve to be called a Parliament in this world

श्री मधु लिमये : उपाध्यक्ष महोदय मेरा पौइंट ग्राफ ग्रार्डर है। मैं यह नही उठाता लेकिन जब मेरे मित्र श्री सजिवान पार्लियामेंटरी प्राब ग्राफ उस पर बहस करने के लिए अपनी बात पेश कर रहे थे तो माननीय स्टीफन ने गोखले और श्री मजीद खर्च का हवाला दिया। जब उपाध्यक्ष महोदय सदन के सामने जा सकता है मगर नही पढ़ सकता है पहले माननीय वाजपेयी का लीजिए।

MR DEPUTY-SPEAKER: They have been circulated you need not read them

श्री मधु लिमये आप इतने इम्पेशेन्ट क्या है?

MR DEPUTY-SPEAKER I am not impatient I am only trying to save the time of the House by saying that all these have been circulated and members know them and you need not read them

श्री मधु लिमये मै सब नही पढ़ूगा। माननीय वाजपेयी के प्रस्ताव मे है कि पार्लियामेंटरी कमेटी इसलिए नियुक्त की जाय

"to examine the entire matter"

माननीय ज्योतिर्मय बसु क्या कहते है

"to investigate into the charges"

माननीय हरिकिशोर सिंह काग्रेस के सदस्य क्या कहते है

'Parliamentary committee to go into all the questions"

और मै क्या कहता हू

"That this House resolves to set up a committee to probe the following"

तो कोई कहता है ऐग्जामिन करो, इन्वेस्टीगेट करो, प्रोब करो। माननीय श्याम बाबू का भी वही है। मैं ज्यादा समय नही लेता माननीय जवाहर लाल नेहरू जो लीडर ग्राफ दी हाउस थे, जो वर्तमान प्रधान मंत्री के पिता जी थे, वह यह प्रस्ताव पेश करते है. (व्यवधान) अब यह गैक्सपाज हो रहे है इसलिए मुझको गाव रहे है। श्री जवाहर लाल नेहरू का प्रस्ताव इस प्रकार है मै कोट कर रहा हू कि उस के बिना पौइंट ग्राफ ग्रार्डर फॉरमलेट नही होता।

'That a Committee consisting of Shri T T Krishnamachari, Professor K T Shah, Syed Nausherali, Shrimati G Durgabai and Kashmathrao Vaidya be appointed—

(a) to investigate into the conduct and activities of Shri H G Mudgal, Member of Parliament in connection with certain dealings

ग्रब क्या है। हम लोग चाहते है कि जो डीलिंग्स हो गई है उस को इवेस्टीगेट करने के लिए एक कमेटी बनाइए। प० जवाहर लाल नेहरू ने इवेस्टीगेशन के लिए कमेटी बनाई थी और इन्दिरा गाधी जी कहती है कि सी० बी० ग्राई० इवेस्टीगेट करेगी, श्री गोखले कहते हैं कि ग्रदालत करेगी।

MR DEPUTY-SPEAKER You have made the point There is no point of order

SHRI K P UNNIKRISHNAN (Badagara) Mr Deputy-Speaker, I shall try to make my observations very brief but, however, I am afraid I will have to say certain things to preface my remarks, and that is about the antecedents of this motion Though I have read something about the parliamentary procedure and practice of this House and of the other House, during my brief parliamentary career, I have never seen a privilege motion being treated so lightly and in so trivial a manner as this motion. I contend that this is not a genuine

[Shri K. P. Unnikrishnan]

motion. This is a motion born in the womb of conspiracy and character assassination. What is sought here is not the protection of the dignity of the House and if Members or of the 21 members, because member after member have come before the House and said that what has been alleged by a certain paper was wrong and has been proved wrong. Their conduct has been admitted and accepted to be beyond reproach by the House. What is being done here is a continued slanging match in the name of the alleged signatures of 21 members. As far as we are concerned, Sir, we have no reason to disbelieve these members who have come here and sworn and said that they stand by it, that they have not affixed their signatures to the alleged document which was the centre piece of this controversy.

So, I contend that Shri Piloo Mody's motion is not a motion of privilege at all. Right from the beginning, it has been moved in a maner as to permit the campaign of character assassination and vilification against my party, against a certain section of the House and against the Leader of the House herself. Sir, as you in your wisdom said the other day that you do not know what the motion was, an observation which has formed part of the record of this House, I have never seen a letter being admitted as a notice under rule 222 for being converted into a motion. It is an extraordinary procedure.

MR. DEPUTY-SPEAKER: By a decision of the Speaker and the House it was converted into a motion.

SHRI K. P. UNNIKRISHNAN: Anyway, an unfortunate precedent has been set. I want to raise two more points before I allege and prove my point of collusion. I would address this question to you and also to the hon. Law Minister, who is fortunately present here. It has been remarked in quite a few cases in some of the High Courts and also in the Supreme Court that the legal liability of a publication, if it is a periodical, under the Registration of Newspapers Act and also under the other relevant Acts, starts only from and after the date of publication. This is the point I want to prove.

Here is Shri Piloo Mody, who can not even read Devnagari, who brings up a periodical and says "these are the allegations", "here is a breach of privilege." Can the House be taken for a ride like this? Here is a member—I may be corrected if I am wrong who, I do not know whether he can stand up in this House and say that he can read Devnagari.

SHRI PILOO MODY: I cannot read Devnagari.

SHRI K. P. UNNIKRISHNAN: That is precisely my point.

SHRI PILOO MODY: What is your point?

MR DEPUTY-SPEAKER: Mr. Unnikrishnan, can you read Devnagari?

SHRI K. P. UNNIKRISHNAN: Yes; I can. (Interruptions) You can examine me after my observations are over.

SHRI MADHU LIMAYE: Please read that article in the House.

SHRI K. P. UNNIKRISHNAN: This is the way how a question of privilege has been raised. A Member who should have been sure of his facts, who should have been sure of the case he was presenting, who should have been able to give us at least a summary of the case, without understanding what it was, without being able to read and understand what it was, comes up all of a sudden, that too seven days, a full week, before the date of publication, comes up to the House and says that here is a breach of privilege. Then in pursuance of this, he writes this letter which, unfortunately, as I observed earlier, has been converted into a motion; a very wrong precedent, a very bad precedent, has been created in this House. Do you ask me to take such a motion

seriously, Sir? But I refuse to do so because I have to protect not only the hon. members concerned but also the interests of the House itself.

The question of legal liability has been raised, and that is precisely my point. Here is a calculated collusion to continue the campaign of vilification and character assassination, to which, apart from my hon. friend, Mr. Piloo Mody, the Mover of this motion, one or two other members and also the editor of this paper are a parties. The only way the House can deal with such a motion is to treat it with the contempt it deserves.

I particularly feel aggrieved because in the last Session I had the opportunity of moving a motion of privilege against *'Organizer'* an organ of the House then? Where was the Despite my profound differences with it, it is a political weekly, it has a particular political orientation and perspective and also it commands a considerable political influence among their followers. At that time, every one of them including the people who have spoken before me argued against my case and advised me that we should treat these things lightly even if it were true. Here was a weekly which had come out with certain specific allegations and utter lies against me and two other distinguished members of this House, Mr. Satpal Kapur and Mr. Shashi Bhushan, regarding the cracker incident which House took upon itself to condemn and also went on to convict the culprit.

The hon. Speaker himself was good enough to advise me and bound by his advice, I withdraw my motion. Where was the concern for privilege of the House then? Where was the concern for privilege when I moved a motion against Mr. Madhu Limaye? There was no concern. Now there is concern because, in the present prevailing state of discontent in the country owing to a deepening economic crisis, they think that anything can be hurled against this Government, anything can be hurled against us and we will sit up and swallow it. Well, we are not prepared to oblige you.

This colusion has a particular sinister significance. If you start this game of charcter assassination, it will go on and it will not only devour you in the end, it will also devour us, it will endanger democracy and devour everybody. That is precisely my point. I have fairly reliable information that an eloquent spokesman of the Opposition is now trying to corner the shares of a publishing concern and nearly Rs. 20 lakhs are involved in this deal. Now, I have not raised this question. Rs. 20 lakhs are involved in this transaction...

16 hrs.

SHRI PILOO MODY: What is wrong with it?

SHRI K. P. UNNIKRISHNAN: One eloquent Spokesman of the Opposition who intervenes in season and out of season is involved in this transaction. Wherefrom did he get this money? But we have not raised it and at the appropriate time and if necessary we will look into it.

There was a reference to the unfortunate suicide of a noted public figure of Delhi. We have never brought these things before the House. We have never tried to convert this House into a forum for carrying on a political vendetta or character assassination as it is being sought to be done by the opposition..

SHRI MADHU LIMAYE: You have the All India Radio.

SHRI PILOO MODY: And the All India Recorder.

SHRI K. P. UNNIKRISHNAN: Precisely what are the basic questions involved in this issue? A question wes posed in the other House regarding the veracity of certain signatures

[Shri K. P. Unnikrishnan]

affixed to a particular memorandum seeking some import licence for the Union Territory of Pondicherry and in reply to this question, certain names were unfortunately given out—unfortunately, I want to specifically say for it was rather an unfortunate incident....

SHRI PILOO MODY: The whole episode was unfortunate.

SHRI K. P. UNNIKRISHNAN: But, following that, the whole episode was sought to be converted, despite and after repeated denials of friends from this side because all of them happen to be from this side, despite their repeated denials—that is the most important thing—that they have affixed their signatures....

SHRI MADHU LIMAYE: Has Shri Tul Mohan Ram denied?

SHRI K. P. UNNIKRISHNAN: He has not come to the House so far. Are we to take this motion seriously in the context of this campaign of political vendatta and character assassination? Is there any need for any further probe? If so, by which agency? That is a specific question. Only the other day the Law Minister had given information to this House that a case has been registered and that investigations by appropriate agencies are continuing and at the appropriate time, such of the information collected by the CBI or whatever agency it is, will be placed before the House. After all these assurances if these gentlemen on the other side want a parliamentary probe or utilise or convert every conceivable opportunity to throw mud on us, well, I can only say and repeat what I said earlier, that there is a definite political collusion and it is not only against us but against the basic structure of our parliamentary democracy itself.

I also would like to say that they also want to set up a new precedent of parliamentary probes for another series or spate of inquiries. I would not be suprised if some of their henchmen—I do not want to say that they will do it—could perpetrate another fraud and pull out another letter from somebody's hat or file and come up here with the fiction of another licence racket like Shri Piloo Mody and say anything and demand another parliamentary proble.

Just now I was looking into another paper, *Swarajya Sandesh* where it has been alleged that these gentlemen who rise in defence of parliamentary privileges:

> क्या प्रतिपक्ष के संसद सदस्य लोकसभा और राज्य सभा में पूंजीपतियों और मंत्रियों के दलाल नहीं ?

Are we to have this also booked into? I do not know whether tomorrow they will come out with a privilege against this *Swarajya Sandesh*. Whatever it is, if this is the precedent we are going to set up and when we are not prepared for a motion of privilege against a very well-known political weekly like *'Organizer'* now if this is going to be used against *'Pratipaksh,* then, this House will have to be concerned only about the question of privileges and we shall be bringing the whole democratic procedure and practice into ridicule.

The question was raised here about the majority trying to suppress the minority and all that. I am afraid there is no such thing. Majority and minority have certain well laid out norms and practices and if they accept and practise these norms you should not have any grievance at all. As I said we have not tried to bring the cases of tragic suicide of a public figure in Delhi and the mysteries behind it. My only submission is this. We should treat this Motion of Privilege with the contempt it deserves. The Editor of this paper was a former Member of Parliament and he should have known all these things. We should treat it with the contempt it deserves.

SHRI P. G. MAVALANKAR (Ahmedabad): This motion of Mr. Piloo Mody is one of the most important motions of Privilege that have come in recent months on this vital question of Parliamentary privilege, and honour of this House. But before I proceed with my points, I have one enquiry to make and I hope Mr. Mody, will reply to it or I hope you will be giving a ruling on it. In that motion the last para reads like this:

> "I shall be grateful if you will allow me to move the motion for sending it to the Privileges Committee."

Is it the form of Privilege Motion? I am surprised that the motion has been allowed like this. Can such a paragraph be part of a motion? Then, Mr. Limaye has given a very useful amendment. And, that amendment says that every single document which is in the possession of authorities which is relevant for enquiry to get at the problem and to have an independent and thorough probe into the matter, should be handed over to be kept under the custody of the Speaker Now, Sir, I was surprised that when Mr. Madhu Limaye was speaking not a single Member from the ruling Congress benches got up to challenge Mr Limaye, when he referred to the various Government documents. There were a number of cases he referred to The ruling party Members could have said, they challenge him, and they could have asked him to place the documents on the Table of the House. Now, I ask them, why did they not challenge it then and there and why did they not ask him to place those documents on the Table of the House? They deal with essential matters and they were important documents. That shows there is something wrong in the State of Denmark, of the ruling party. The whole thing is very intriguing that they did not challenge Mr. Limaye to place the documents on the Table of the House. He cited a number of cases. He cited 4 case studies prepared by Commerce Minister and other agencies. Some of these cover the period during which Mr. L. N. Mishra was Foreign Trade Minister. Import of sensitive items with premiums of over 400 per cent against the replenishment and actual licence throws doubts on the whole set of licensing procedure. This privilege motion will uncover many more such types of instances of the abuses of the type mentiond by Mr. Limaye.

Now Sir, I want to tell you one thing. You have already commented so beautifully and succinctly about the whole matter. I am in great anguish on this whole sordid and sory enisode because the prestige of Members of Parliament is involved in this. 'People are asking all sorts of questions outside. It becomes less and less honourable to say that we are Members of Parliament. They comment on our behaviour, on our speaking or not speaking, on our conduct inside and outside This is as it should be Now, let us not hesitate to have an independent all-Party Parliamentary Committee which alone can establish the truth of the matter In this respect, I would like to say that Government of India have adopted as their motto *'Satyameva Jayate'*.

And, then, Sir, there is just above your august Chair the inscription *'Dharma Chakra Pravartanaya'*. This was theme in the Great Ashoka's time. When he was the Emperor in ancient India governing this country he gave this moto *Dharma* does not mean religion or sects. It means right and righteousness and therefore Ashoka was keen in ruling according to what was right. This was his concept of law. Even though he was a monarch, he believed in governing according to the rule of law, which ment that everybody including the King was under the law and nobody could be above the law. That was the concept. So, monarchs of ancient India were more enlightened and democratic than the present so-called demo-

[Shri P. G. Mavalankar]

crats and hypocrites! The present rulers talk about *'Satyameva Jayate'* and about rule of law but, they have lost all sense of low; they have lost respect for law. Whatever they say is the law! This was not so in Ashoka's time This never happened in his time.

Now, Sir, never before has the Parliament of India been reduced to such low levels in the public eyes as it has been happening now. Look at the various editorials in the papers. My friends Shri Unnikrishnan, Shri Jagannath Rao and many other friends from the ruling party, one after another, were telling that what was said by Shri George Fernandes in *Pratipaksh* as well as abroad was wrong. I have great respect for my hon. friend, Shri A. P Sharma. After all, he is the Deputy Leader of the majority party. He also referred to some views expressed by Shri Fernandes abroad. What was wrong in that if a citizen of this country expresses a view which is different from the views of the Government? After all, we have a democracy wherein we have an open society, a free society and, therefore, we can say what we want to say. But assuming for a moment that what Mr. Fernandes said in the paper *'Pratipaksh'* as yellow, is the *Times of India* a yellow journalism? Is the *Statesman* a yellow Journalism? Is the *Indian Express* a yellow journalism? Is the *Hindustan Times* a yellow journalism? These are reputed and distinguished papers. There is considerable freedom enjoyed by the press. Fortunately, their editors have still got the guts and courage to write their editorials without fear

Sir, with your permission, I am reading out a few sentences from these editorials. Look at the *Times of India* What does it say? Its very heading is significant. It says:

> "It Stinks!" And then "The stench produced by the import licence scandal has made almost everyone in the country sick except the Government. It is still hoping after hopes....It is hard otherwise to explain its dogged refusal to entrust the probe to a parliamentary committee. After all, the CBI, which acts on the orders of the executive, etc., etc. ....."

I shall now read out a para or two from what the *Statesman* says in its editorial:

> "The Government's view is that the facts need to be ascertained, which is exactly what the Opposition has been saying. What is suspect is the Government's unwillingness to let an independent body conduct, or be associated with, this investigation."

Why should only a C.B.I. inquiry take place? Why should it be by a governmental agency? Why not the whole Parliament probe into it? Parliament has in it both the majority and the minority. They must together look into the whole matter.

So, I ask the Government and the ruling party: Why don't you face this enquiry by the Committee of Parliament? What does the *Statesman* further say? It says:—

> "What is suspect is the Government's unwillingness to let an independent body conduct, or be associated with, this investigation."

And a little later it says:

> "Only an open inquiry can clear the atmosphere and restore public confidence in the Government's determination to put things right. Since M.Ps are involved, the demand for a parliamentary inquiry seems justified. But if the investigation is left entirely to a Government agency, the public will be inclined to suspect a continuing attempt at a cover-up."

The *Indian Express* calls it "Evil precedent." It further says: "Partisan interest are allowed to have

precedence over principles." Altogether a very evil precedent has been set."

The *Hindustan Times* says the same thing. It says: "There is a growing stench of corruption and cover up all around which must be cleansed if the nation is to survive."

Therefore, I want to say that all this is not a yellow Press talking, but a good and democratic Press that is expressing itself with such strength. I speak from no partisan angle I do not want to repeat again and again that I have never been a Member of any political party throughout my 27 years of public life. When I look at this episode I do so with the anguish in my heart and with the great concern for Parliamentary democracy.

Sir, if you hear the kind of comments that are made by the public at large about Members of Parliament: how they behave, what they talk, etc. you will see that their criticism is not quite mis-placed But in this present episode what is important is that people of this country are doubting our very *bona fides* and our behaviour as Members of Parliament. I say they have not only the right but a duty to point out to the elected representatives the mistakes and to tell them to behave or get out! Therefore, I appeal to my hon friends on the ruling benches, please for heaven's sake, for democracy's sake, for decency's sake and even for your own party's sake do not allow yourself to take a partisan view of this matter. Do not go on committing one serious mistake after another, and do not cover up one lie with a bunch of another half a dozen lies. Then the whole vicious circle will set in and it will be impossible for you to get out of such a complicated and scheming activity.

Sir, privilege is not a matter of any party. It is not something which is to be decided by majority versus minority. It is a matter of the entire House. Let us, therefore, go together and make a cooperative venture in this regard. So, I appeal once again to you to search your heart and to look within and listen to the still small voice of the conscience within and then you will see that at least on this occasion God has given you all an opportunity to vote in favour of this motion and so act courageously and boldly. Then, Sir, I want to say that the CBI, which is conducting the enquiry is, after all a part and parcel of the executive wing.

Yesterday, some of us on this side went to see the Prime Minister and we were grateful that she met us and we spent more than half an hour with her. But she was not prepared to budge an inch, and not prepared to have a parliamentary probe. My friends Sarvashri Jyotirmoy Bosu and Jagannathrao Joshi have referred to this meeting when they spoke today. I asked the Prime Minister yesterday what was the harm if a CBI inquiry was allowed to continue under the aegies of a Parliamentary Committee. How could such a CBI inquiry be thwarted? This parliamentary probe can bring out everything. But, she said 'No'. That means, CBI is going to thwart the parliamentary probe! The real thing is that a parliamentary probe will compel all the Government agencies to bring out the truth. After all, '*Satyameva Jayate*' should prevail!

Sir, in conclusion, I would appeal to my friends 'Do not allow suspicion to linger; it will do no good to any one of us; if suspicions go on lingering, it will do no good to any one of us.' This is my appeal. With folded hands, I would appeal to my esteemed Congress friends.

Sir, my friend Mr Era Sezhiyan said 'let the atmosphere be cleared not only in this House, but also outside'. I would like to say the same thing. A British Member of Parliament, Col. Wedgwood Bern who late because Viscount Stansgate, once said in the House of Commons in the late 30s, when Hitler was bombing the

[Shri P. G. Mavalankar]

House of Commons, "Let Hitler and the world know that a debate in a free Parliament clears the air far more effectively than a bomb in a beer cellar!" Similarly, I would say, a debate in a truly independent and free Parliamentary Committee will clear the air far more effectively than any Governmental enquiry that will look into the question. Therefore, I support the motion so ably moved by Mr. Mody and equally ably amended and supported by Mr. Madhu Limaye.

MR. DEPUTY-SPEAKER: Mr. Stephen. Would you still like to speak?

SHRI C. M. STEPHEN: Mr. Deputy-Speaker, Sir .....

SHRI SHYAMNANDAN MISHRA: Sir, briefing is being done openly here. Four or five persons are collecting ..

(Interruptions)

SHRI SAMAR GUHA (CONTAI): Sir, on a point of order. Sir, just now, Shri Shyamnandan Mishra has raised an issue of the dignity of the House. I would like to know from you. A Minister has every right to consult his officials in the official gallery. I would like to know from you, whether any Member is entitled to a similar right, whether any Member of this House, who is inside the House, can, either individually or collectively, consult the officials in the official gallery?

SHRI PRIYA RANJAN DAS MUNSHI: This is not correct. Members were talking to the Minister of Parliamentary Affairs there.

(Interruptions)

MR. DEPUTY-SPEAKER: Order please. He has raised a point or order. Kindly listen. Now, in the first place, I must say that I was caught completely unawares. I called Mr. Stephen and was trying to ascertain from him, in view of the long intervention that he made while Mr. Sezhiyan was speaking, whether he would still like to speak because his name is on the list given by his whip. That was the point. Then Shri Piloo Mody approached me for something also. I lent my ears to him when this whole thing happened.

Now, as far as I can gather, some consultation is done and I think it is a regular practice here! Officials are here; they are given a special gallery to do their duty. When the Ministers do their work here, certain information and certain other things are to be passed to them. That is the normal practice. But what is irregular is if you drag any official into the discussion. That is most irregular. That is completely out of order. That is what I object to.

Mr. Stephen.

SHRI SAMAR GUHA: My point of order remains.

SHRI MD. JAMILURRAHMAN (KISHANGANJ): Is this another point of order? Are you going to allow it wasting the time of the House?

SHRI SAMAR GUHA: I quite agree that to drag any official, the name of an official into the discussion in the House is wrong. But what I wanted to know from you for my guidance in future is whether it is permissible while discussion is going on in the House to have a collective meeting of some members of this House with the officials sitting in the official gallery.

MR. DEPUTY-SPEAKER: I am happy in a way that this matter has been raised because sometimes I have noticed that we tend occasionally to forget that we sit in this august House—not anybody in particular, all of us. Sometimes I have found members conglomerating at one place and talking together. Occasionally I have had to send the Marshal discreetly requesting them—because I respect every one of them; I do not

want to shout from here and call them to order—not to make noise as I am being disturbed. They also take note of it and go away. This does not apply to this particular case It applies to everybody. Let us avoid this habit of conglomerating at a place and talking Let the business in the House go on

SHRI SAMAR GUHA This was going on with the officials

MR DEPUTY-SPEAKER Among ourselves, it is bad enough, when it is done here with somebody else, it is worse

SHRI CHANDRAJIT YADAV (Azamgarh) You have given your ruling There are some members who are in the habit of every now and then of entering into a discussion on it and most of the time of the House is taken away A question was raised, that some members were consulting amongst themselves or the Minister of Parliamentary Affairs was consulting someone in the official gallery You have given a clear-cut ruling Will there be a debate on this?

MR DEPUTY-SPEAKER: There should not be

SHRI CHANDRAJIT YADAV I would therefore request you please stop it

MR DEPUTY-SPEAKER I think that is the end

SHRI SHYAMNANDAN MISHRA The whole story is not before you .

SHRI A K M ISHAQUE (Basirhat) Why did he not bring it to your notice earlier? He cannot take the time of the House this way It was his duty to bring it to your notice earlier

MR DEPUTY-SPEAKER Let me hear him

SHRI SHYAMNANDAN MISHRA I am on a point of order. You had rightly said that you were engaged in some talk with the hon'ble Member, Shri Piloo Mody and some other members and in the meantime ....

MR DEPUTY-SPEAKER: I was not talking to them; they approached me with some problems. I was attending to them

SHRI SHYAMNANDAN MISHRA: But before that, the hon'ble Member, Shri Piloo Mody had tried to draw your attention to a meeting that was taking place inside the House Shri Piloo Mody will bear me out, he was drawing your attention to the small meeting that was taking place in a corner of the House with one of the officials of the Prime Minister's Secretariat at the centre The point that has to be considered by the Chair is whether inside the House a small meeting can take place with a stranger who has no place in the House (*Interruptions*)

SHRI PRIYA RANJAN DAS MUNSHI. Absolute lie, it is a black lie

MR DEPUTY-SPEAKER. I have given my ruling

SHRI SHYAMNANDAN MISHRA Four or Five Members also some time congregate inside the House, to which you rightly objected But it is all the more objectionable when the congregation takes place with a person who does not belong to the House, when briefing is done by an outsider while the discussion is taking place

SHRI K RAGHU RAMAIAH: Since the name of an officer has been brought in not only today but the other day also by Mr Piloo Mody, I must state the facts.

SHRI PILOO MODY: I mentioned no names.

SHRI K. RAGHU RAMAIAH: The joint Secretary of the Prime Minister's Secretariat. I must say here and now that there was never any meeting there. I was coming and I wanted certain papers from the Secretariat. Two other Members were accompanying me; I stood there and asked the gentleman: where is that paper? Then I moved out. There has been no meeting of any kind.

I am entitled to consult any officer in the official gallery any time I like. It is my proud privilege to do so. That particular officer is a very able officer and I am sorry his name has been brought in here.

MR. DEPUTY-SPEAKER: I think that should be the end of the matter. On an earlier occasion I said that in this House we functioned at a certain level and we can discharged certain business. We do not attack any officer; we do not run down any officer and we do not issue any good certificate to any officer. That is the end of it.

SHRI C. M. STEPHEN: The question before the House is in a sense a simple question but in fact a very complex question. It is simple in the sense that the only matter we have got to consider is wthether the report in that paper must be considered as contempt of the House. Some friends on this side and I have myself started feeling that this has got to be assessed against the background of certain developments. My friend Unnikrishnan dealt in detail with the background against which we are inclined to assess the proposition that has been brought up. For the last 3 years the Congress Party on the one side and the Opposition on the other have been functioning in a particular way. Mr. Sezhiyan in his speech was asking whether the Opposition did not have a role. Aware of the fact that we have a huge majority we were trying our best to enable the Opposition to play its full role, to play it with a vengeance if I could say so. Accommodation was being extended to them more and more and at one stage things were slipping.

16.33 hrs.

[SHRI ISHAQUE SAMBHALI *in the Chair*]

It has now come to a stage where it would appear that for every move on this part we must get sanction from Mr. Mishra or Mr. Bosu. Just now the Minister of Parliamentary Affairs spoke. Somebody speaks to somebody; immediately there is dictation as to what he should do or should not do. Things are being driven to such a position in which the challenge may have to be accepted. It is not a question of the Opposition not being accommodated. It is a question of the Opposition being accommodated more and more in an anxiety that in view of the fact that the Opposition is numerically weak it must not be made to feel that it does not have to play the role that it is destined to play in Parliament. But let them remember, we also have a role to play. Parliament is here for a particular purpose. Government is here for a particular purpose Parliament was to adjourn last week. The session was extended for a week for transacting pressing Government Business like the general budget, railway budget, Bonus Bill, Gujarat and Pondicherry budget, etc. But we are seeing a scene of obstruction extending not for one or two hours, but for hours on end. It is against this background that we are looking at this motion brought by Mr. Piloo Mody.

We have seen in the past how the Opposition reacts whenever privilege questions are raised. We saw how the Opposition reacted when privilege was raised against Mr. Bosu for openly challenging the Speaker and

throwing a paper at his face. So, we have been seeing how they have been nurturing the privilege of the House. But here is a departure and so we look at it with considerable suspicion.

I do not want to go into the details. Details have been given. A small paper published something. The question is whether as a result of its publication, the prestige of this House will go down in the estimation of the people. Many circumstances will have to be taken into account for that purpose. The condemntion of Parliament was sweeping. The paper said, it was a brothel or something like that. I am absolutely sure that the people will laugh at it. If it was marginal condemntion of Parliament, people would have set up and tried to find out what exactly it was. But here is a too sweeping a condemnation and nobody will take it seriously. Would any member or any person in this country—feel that their Parliament is a brothel? The question is whether we should take too seriously that sort of statement by a person whose antecedent is one of adventurism and nothing else. It is a paper which is not known by two people of this country. That paper publishes something and before the date of publication, Mr. Piloo Mody, of all people, brings up a motion and the entire Opposition is ganging up as if the dome of Parliament is crashing, as if the people are feeling that Parliament has lost its feet. We do not at all agree that that is the correct approach. The entire background gives us the impression that the anxiety on the other side is not to protect the dignity of the House but to denigrate it further. The issue involved is about the signatures of 21 members of Parliament. Now, those hon. Members, who are colleagues of ours, came before the bar of the House and said, "Our signatures have been forged." Now, what is your reaction to that statement of your colleagues at the bar of the House the temple of democracy of India? Would you accept it or reject it? If you reject it and if you feel the 21 Members are involved in this, the publication would not amount to a condemnation at all because it spoke the truth. So, the privilege motion is absolutely frivolous. If on the other hand you hold that their statement must be accepted and they must be exonerated on the basis of evidence furnished before the House, the reference of the matter to the privileges committee does not arise. You cannot escape from either of the two dilemmas. You will not accept their statement and yet you want to move a privilege motion against this paper. This is absolutely an illogical position. That is all that I want to say.

As my hon. friend, Shri Jagannatha Rao has said, this is a case in which we have to treat the whole thing absolutely and completely with contempt. It is not as if every case of contempt has to be taken note of by this House. There have been umpteen rulings to this effect and I would read only one or two. Here is one decision taken by the Third Lok Sabha in the Eighth Report of the Privileges Committee which concerns Shri George Fernandes himself, which was raised by Shri Madhu Limaye. The Committee says, quoting the House of Commons ruling,:

> "While recognising that it is the duty of Parliament to intervene in the case of attacks which may tend to undermine public confidence in and support of the institution of Parliament itself, your Committee think it important that, on the one hand, the law of Parliamentary privilege should not be administered in a way which would fetter or discourage the free expression of opinion or criticism, however prejudiced or exaggerated such opinions or criticisms may be, and that, on the other hand, the process of Parliamentary investigation should not be used in a way

[Shri C. M. Stephen]

which would give importance to irresponsible statement."

A statement by Shri George Fernandes was the subject of decision by the House on that day.

The same view was taken in another case also. There they said that although the statement was absolutely contemptuous and a forthright contempt of the House, the antecedent of the person was such that they need not take note of it. While there was no doubt about it that the statement alleged is extremely contemptuous, it was decided that a motion may be moved by somebody condemning the conduct of this man. Here also we have to follow the same procedure. We shall not touch it with a pair of tongs. He has got enough publicity, which he does not deserve at all. This is the position which we have to take.

Therefore, when we plead that there shall be no reference of this matter to the Privileges Committee it is not that we are any the less anxious than anybody else to preserve the dignity of the House. But, in the name of the dignity of the House, every irresponsible adventurist Don Quixote should not be given publicity which he does not deserve, and the punitive measures under the law of privileges of Parliament which we contemplate are not for the purpose of pitchforking people into limelight. Therefore, I oppose this privilege motion.

As for Shri Madhu Limaye's amendment, of course, I oppose it. I have nothing more to say. I have already read out the ruling which says how the preliminary enquiry has to be conducted. In Mudgal's case Pandit Jawaharlal Nehru conducted the preliminary enquiry, called him to his chamber, asked for evidence, sifted the evidence, collected statements, gave him notice and finally came to the conclusion that there was a *prima facie* case for a motion before the House.

A hurried enquiry was attempted when Shri Sanjiva Reddy was the Speaker. After long deliberation he came with a ruling that a hurried probe in the nature of a parliamentary enquiry cannot be asked for.

Because of the very nature of the case, a preliminary enquiry has to be gone through to verify the correctness of the signature through the CBI or some other agency. Somebody else has got to consider this. Therefore, it is a perfectly correct decision which has been taken. So, this motion of privilege is mischievous, ill-conceived, malicious and motivated, more for the purpose of giving publicity to somebody than to preserve the dignity of Parliament. They are in league and collusion with them. This is not done to preserve the dignity of the House but in furtherance of their political goal of denigrating democracy and making it a laughing stock. So, we shall resist this attempt with all the force at our command. Sir, I oppose this motion.

श्री जनेश्वर मिश्र (इलाहाबाद) सदर साहब, एक तो मुझे यह गुजारिश करनी थी कि बहुत कम दिनों मे इस सदन मे आया हूं, मैं सोचता था कि मेम्बर लोग और मंत्री लोग पवित्र होगें और यह सदन भी अच्छा होगा और श्री जार्ज फ़रनान्डीज ने एकाएक जो आरोप लगा दिया वह गन्दा है। लेकिन इतनी बहस सुनने के बाद ऐसा लगने लगा कि सत्तारूढ दल के लोगों को दम्भ हो गया है अपनी ताकत का। और एक सदस्य ने तो यहां तक कह दिया कि अगर सदन मे विरोधी पक्ष नही रहेगा तो भी हम सदन को चला लेंगे। यह बात सुन कर मुझे बड़ी शर्म आयी और मैं समझता हूं कि जिन्होंने ऐसा कहा उन को भी शर्म आयी होगी। अब यह लोग यह कोशिश कर रहे हैं कि जो कोई भी बात इन के खिलाफ़ उठा करे उस को नक्करखाज कर दिया जाय, खासतौर से इस

अखबार के बारे में कहा कि बहत छोटा अखबार है, इसका सर्कुलेशन बहत कम है, इस छोटे से अखबार को सदन में क्यों लाया गया, इस को नज़रदाज कर दिया जाय। और उसी सिलसिले में इन लोगों ने नेहरू साहब के जमाने की एक मिसाल दी कि किसी अखबार ने कुछ कह दिया तो उन्होंने कहा था कि अखबार बहत छोटा है और इस को प्रिवेलेज में ले जाने के बजाये इस को इग्नोर कर दिया जाय। यही इस को सजा होगी। लेकिन "प्रतिपक्ष" अखबार ने इस सदन को खुले आम वैश्यालय जैसी जगह कहा है। नेहरू साहब के जमाने में किसी ने इस सदन को वेश्यालय कहा होता तो उस को नज़रंदाज करा जा सकता था, श्री लाल बहादुर शास्त्री के जमाने में कहा जाता तो उस को नज़रंदाज किया जा सकता था, लेकिन आज श्रीमती इंदिरा गांधी सदन की नेता हैं और उस समय कई अखबार वैश्यालय कहे तो उसको नज़रंदाज करने का मतलब होगा हमारा अंदाज मर गया और नज़र का पानी भी मर गया है। इसलिए नजरंदाज न कीजिये। बहत गम्भीर मामला है और इस मामले में प्रतिपक्ष अखबार के मालिक और सम्पादक को बुलाया जाना चाहिए और उन को ऐग्जामिन करना चाहिए।

आप कह रहे हैं कि विरोध पक्ष के लोग कीचड़ उछालते हैं, मुझे शर्मा जी पर खुशी हुई जिन्होंने कहा कि कीचड़ से कीचड़ धोया नहीं जाता तो उन्होंने कबूल कर लिया कि उन के चेहरे पर कहीं कीचड़ लगी है। आप लोग बड़ी आसानी से कह देते हैं कि विरोध पक्ष के लोग कीचड़ उछालते हैं। मैं समझता हूं कि जो सदस्य विरोध पक्ष में हैं वह कीचड़ पर कीचड़ उछालेंगे तो बढ़िया काम नहीं करेंगे इस समय सत्तारूढ़ दल कीचड़ ही नहीं दलदल बन गया है और किसी पर कीचड़ फेंकने का कोई मतलब नहीं रहा है। इसलिए यह कह कर न टाला कीजिये कि हम कीचड़ उछाल रहे हैं। इस सदन में आप लोगों के साथ बैठने के नाते हम लोगों की भी कीचड़ लग जाती है। आप लोगों को अगर कोई गाली देता है तो हम को भी वह गाली लगती है।

कह दिया गया यह सदन वैश्यालय जसी जगह है, कहा गया यह सदन चोरों और दलालों का अड्डा है। अब आप क्या चाहते हैं कि इससे ज्यादा कड़ी बात कही जाय? इन्होंने कह दिया इस को मैं प्रिवलेज कमेटी के जिम्मे भेजने को तैयार नहीं हूं। इसीलिये बहस हो रही है न? कुछ लोगों ने कहा कि विरोध पक्ष का काम बन गया है सदन का समय बरबाद करना। हम लोग सदन का वक्त खराब कर रहे हैं। एक मिनट का काम था, कोई मंत्री उठ कर कह देता कि इस को प्रिवलेज कमेटी को भेज रहे हैं और इस प्रकार सदन का वक्त खराब न होता। लेकिन आप ने माना नहीं। तो सदन का वक्त हम खराब कर रहे हैं या आप खराब कर रहे हैं? बारबार किसी बढ़िया सवाल को नामन्जूर करके आप सदन का वक्त खराब कर रहे हैं।

लाइसेंस की बात चलाई गई है जिस में 21 लोगों के दस्तखत हैं और क्योंकि उसमें लिखा हुआ है "इन्दिरा नगद की सांठ गांठ का भंडा भोड़"। तो जिस मंत्री के बारे में कहा जाता है कि उन्होंने 21 सदस्यों के दस्तखत कराये, किसी जमाने में वह व्यापार मंत्री थे, उन के अगल बगल में और भी मंत्री बैठे रहते हैं, इसी सदन में इसी समय नहीं बल्कि पिछले कई महीनों से लगातार यह चर्चा एक ही मंत्री के बारे में चलती है कि यह नाजायज रुपया, घूस ले लिया करते हैं, तो और मंत्रियों के बारे में क्यों नहीं ऐसा कहा जाता जो कि उन के अगल बगल ही बैठते हैं? यह विचारणीय बात है। आखिर माननीय गोखले साहब के बारे में कोई क्यों नहीं कहता!

मैं यह नहीं चाहता कि सब लोग ईमानदार होंगे, जिसको नहीं कहा जाता लेकिन किसी एक के बारे में क्यों यह चर्चा होती है। अपने

[श्री ज्ञानेश्वर मिश्र]

गरेबान मे मुह डाल कर उन मिनिस्टर साहब को ईमानदारी से सोचना चाहिए कि क्यो ऐसा कहा गया है। बगल मे श्री रघुरामैया है और बगल मे और दूसरे मत्री भी बैठे हैं उन का क्यो नही कहा जाता इस को आप सोचने का तैयार नही हो रहे है। केवल यह कह देना कि हम पर कीचड उछाला जाता है हम को लक्ष्य बनाया जा रहा है इससे काम नही चलेगा।

सदर साहब मैं अब बहुत जल्दी खत्म करना चाहता हू और जो मुख्य विषय है उसके बारे में कुछ कहना चाहता हू। यहा पर सवाल छिडा कि "प्रतिपक्ष" अखबार के मामले को प्रिविलेजज कमेटी मे भेज दिया जाए और उस पर श्री मधु लिमये ने अपना सशोधन दे दिया कि लाइसेस कोड के जितने कागजात है उन को जब्त करके स्पीकर साहब के जिम्मे कर दिया जाय, लेकिन इन तीन दिनो के अन्दर सरकार को जो टैम्परिंग करना होगी, वह तो सरकार कर चुकी होगी। अब इस का कोई मतलब नही रह जाता है लेकिन मैं इतना जरूर चाहता हू कि प्रिविलेजेज समिति के सामने यह जाच के लिए जाय और मैं चाहता हू कि सत्तारूढ दल के सदस्य लोग और मत्री लोग इस को कबूल कर ले क्योकि केवल "प्रतिपक्ष" ही कीचड नही उछाल रहा है बल्कि सारे देश मे आप लोगो के कारण सारे सार्वजनिक जीवन पर कीचड उछाला जा रहा है। इसलिए मैं कह रहा हू कि इस को आप कबूल कर लीजिये और प्रिविलेजज कमेटी मे न सिर्फ इस को भेजिये बल्कि उसके साथ साथ वहा पर जो जाच हो, वह खुली जाच हो। अखबार वाले भी आ कर वहा देखे और जैसा चाहे अपनी रिपोर्ट दिया करे जिससे तमाम जानकारी जनता को मिले कि उन के द्वारा चुन कर भेजे गये लोगों के चेहरे बेदाग हैं। आप का दावा यही है न कि हमारे साथियो के चेहरे बेदाग हैं ? मैं भी यही चाहता हू कि हमारे इन 21 साथियों के चेहरे बेदाग बन जाए। उन लोगो ने जिस सदन में बयान दिया था तो मैं पीछे बैठा सुन रहा था और मेरी सहानुभूति उन लोगो के साथ थी। उन्ही लोगो मे कुछ ने अपना बयान देते हुए यह कहा था कि कोई ससदीय जाच समिति बिठाई जाए लेकिन उसके दो दिन बाद ही उन मे से कुछ ने लिख कर दे दिया कि ससदीय जाच समिति की माग वाले हिस्से को हम वापस ले रहे है। तो क्या उस बयान पर यकीन किया जाय। आप ईमानदारी से बताइये कि ऐसे लोगो के बयान पर यकीन किया जाए जो पहले तो यह लिख कर देते है कि हम चाहते हैं कि इस बात को साबित करने के लिए कोई—ससदीय समिति बिठाई जाए और उस के दो दिन बाद आ कर यह कह दिया कि ससदीय समिति की जाच की माग को हम वापस ले रहे है। उनके दस्तखतो के बारे मे कोई एतराज किया जा सकता है जबकि सडक पर जाते हुए, लखनऊ मे जाते हुए, कानपुर मे जाते हुए और कई दूसरी जगहो पर जाते हुए आम जनता के लोग यह कहते है कि तुम्हारे पार्लियामेंट के बहुत से मेम्बर्स जो आते है तो वे अपने दस्तखत कभी बाये हाथ से करते है और कभी दाये हाथ से करते है ताकि पकड न जाय। हमारे ऊपर इस तरह की उगली उठा कर हमारे चरित्र पर एक तरह का शक किया जाता है, यह बडे दुख की बात है। आज मुल्क मे जो गरीबी है, उसके बारे मे बहस नही हो रही हैं। लोग कहते हैं कि मुल्क की गरीबी का सार्वजनिक जीवन बिताने वाले और राजनीति मे काम करने वाले लोग, जाकि बेईमानो के चक्कर मे फस गये हैं वे हटा नही सकते। जब तक हम और आप ईमानदार नही बनेंगे और हमारे चहरे बदाग नही बनेंगे और सार्वजनिक जीवन निष्कलक नहीं बनेगा, तब तक हम गरीबी हटाने की बात क्या करेंगे। लूट-खसोट और मोज उडाने वाले लोग गरीबी को नही हटाया करते, वे तो अपनी ही गरीबी हटाने की बात करते हैं। मैं इस बहस में अभी नही

पड़ना चाहता लेकिन मैं एक दूसरी बात बड़ी ईमानदारी से कहना चाहता हूं। प्रधान मंत्री जी ने आ कर कह दिया कि पार्लियामेंटरी कमेटी में इस की जांच नहीं होगी और हमारी सी० बी० आई० इसकी जांच करेगी। सी० बी० आई० क्या हुआ करती है। सी० बी० आई० आपकी नौकर है न? कहीं नौकर भी मालिक के बारे में जांच का काम किया करता है। क्या जांच करेगा नौकर? किसी अखबार ने लिखा है कि विपक्ष के सदस्य लोग क्या सी० बी० आई० की जांच कबूल करेंगे। हम जानते हैं कि सी० बी० आई० से हमारे खिलाफ कुछ भी वे लिखवा लेंगे क्योंकि वह आप की नौकर है। वह जो लिखेगी आप की मर्जी से लिखेगी। क्यों नहीं आप जांच के लिए इन सदस्यों में से चुन लेते, विपक्ष के सदस्य तो आप के ख्याल में बुरे हैं, आप निर्दलीय सदस्यों को क्यों नहीं चुन लेते। आप मावलंकर जी को क्यों नहीं चुन लेते, वे तो किसी पार्टी के नहीं हैं। और दूसरे निर्दलीय लोगों में से आप क्यों नहीं चुन लेते। उन में से आप चुनें और उन से जांच करवाएं और खुली जांच करवायें और वे ईमानदारी से यह पता लगाएं कि आप लोगों ने क्या गुनाह किये हैं या नहीं किये हैं। यह मत समझिये कि हमारे वे 21 साथी या माननीय ललित नारायण मिश्र, जिन के बारे में किसी ने कहा था कि उन्होंने 25 लाख रुपया ले लिया, अगर बेदाग निकल जाएंगे, तो हमें खुशी नहीं होगी। जितनी खुशी आप को होगी, उससे कम खुशी हम को नहीं होगी।

श्री अटल बिहारी वाजपेयी : ज्यादा होगी।

श्री जनेश्वर मिश्र : उससे ज्यादा ही खुशी हम को होगी और जो इस समय हिन्दुस्तान के सार्वजनिक जीवन पर आरोप लगाए जा रहे हैं, उन आरोपों से वह मुक्त हो जायेगा लेकिन हो क्या रहा है कि उन आरोपों को जबरदस्ती दबाने के लिए प्रधान मंत्री जी कोशिश कर रही हैं यह कह कर कि हम सी० बी० आई० की इन्क्वायरी करायेंगे और जबरदस्ती श्री रघुरामैय्या यहां आकर यह कहते हैं कि हम प्रिविलेजेज कमेटी में इस मामले को नहीं जाने देंगे और तीसरे दिन हमारे गाखले जी ने कह दिया कि हम ने मजिस्ट्रेट की अदालत में मुकदमा दायर करवा दिया और जल्दी ही जो लोग मुजरिम हैं और जिन्होंने गलत काम किया है, उन को पता लग जायेगा और सजा मिल जायेगी। इस सदन से भी बड़ा क्या मेजिस्ट्रेट हो गया? क्या पार्लियामेंट के मेम्बर से भी बड़ा मजिस्ट्रेट हो जायेगा जो इन्होंने कह दिया कि अदालत में मुकदमा चलेगा (व्यवधान) और इन से जब पूछा गया तो इन्होंने कह दिया कि सर्टिफाइड कापी अभी नहीं मिली है। यह क्या बचकाना तर्क है। आप ने यह कोशिश की है कि इस सदन में बहस न हो अदालत के नाम पर, सब-जुडिस के नाम पर लेकिन जब आप ने देखा कि लोगों में गुस्सा है और यह हल्ला मचाएंगे, तो प्रधान मंत्री कहती हैं कि सी० बी० आई० जांच करेगी। संसद कार्य मंत्री ने कह दिया कि प्रिविलेजेज कमेटी में 'प्रतिपक्ष' अखबार के आरोपों को नहीं जाने देंगे और कौन से वे आरोप हैं। आप को पता है कि उस अखबार ने इस सदन को वेश्यालय कहा है, 'ब्रोथल हाउस' कहा है और इस पर विधि मंत्री जी कहते हैं कि हम ने इस पर मजिस्ट्रेट की अदालत में मुकदमा दायर कर दिया है। किस के खिलाफ? श्री ललित नारायण मिश्र के खिलाफ या 21 मेम्बरों के खिलाफ? जो लोग जरायम करने वाले हैं क्या उन के खिलाफ आप ने मुकदमा दायर किया है? किस के खिलाफ आप ने मुकदमा दायर किया और क्या मजिस्ट्रेट इन्क्वायरी करेगा। वह कुछ नहीं कर सकता सदर साहब, मुझे तो ऐसा लगता है कि 'प्रतिपक्ष' ने जो इस सदन को कहा है कि यह ब्रोथल हाउस जैसा हो गया है, तो ब्रोथल हाउस की भी कुछ मर्यादाएं होती हैं, कुछ नियम होते हैं, कुछ एथिक्स होती हैं। मैं

[श्री अटल बिहारी वाजपेयी]

तो कहूंगा कि सत्तारूढ़ दल ने इस सदन को ब्रोथल हाउस से भी गदा बना दिया है। मैं यह आरोप लगाना चाहता हू और कहना चाहता हूं कि इस मामले को आप प्रिवेलेजेज कमेटी के सामने भेजिये। इस के अलावा और कोई चारा नही है।

SHRI K. P. UNNIKRISHNAN: He has used vulgar words about this House. May I request you to expunge those words? He has committed contempt of the House.

सभापति महोदय : आप ने जो 'ब्रोथल हाउस' वर्डस इस्तेमाल किये है, आप उनको विदड्रा करिये।

श्री जनेश्वर मिश्र : कोई सवाल नही उठता।... (**व्यवधान**)..

सदर साहब, मैं यह कहना चाहता हू कि सत्ता रूढ़ दल को मेरे इन शब्दों पर इतना गुस्सा है और वे इतना गुस्सा कर रहे है लेकिन इस पूरे सदन को जिस अखबार ने 'वेश्यालय' की जगह कहा है, उस पर इन को गुस्सा नही आता है...(**व्यवधान**) और इन लोगो की हरकतों को देखते हुए जब मैं कुछ कहता हू तो ये गुस्सा हो गये।... (**व्यवधान**)।

सभापति महोदय : आप यह मानेंगे कि अखबार ने जो कुछ लिखा है, उस को यह हाउस पसन्द नही कर रहा है।

श्री जनेश्वर मिश्र : इन्होंने कहा है कि प्रिवलेजेज कमेटी में इस को नही भेजेंगे।

सभापति महोदय : जो कुछ अखबार ने कहा है, उस को हाउस पसन्द नही कर रहा है। इसलिए मैं यह समझता हूं कि जो—अल्फाज आप ने इस्तेमाल किये है, उन को आप वापस ले लें। आप तो एक सीनियर मेम्बर हैं और पिछली पार्लियामेंट मे भी आप थे। क्या आप यह पसन्द नही करेंगे कि इन अल्फाज को निकाल दिया जाए।

मैं आप से अपील करता हूं, दरख्वास्त करता हू कि आप इन अल्फाज को विदड्रा कर लें।

श्री ज्ञानेश्वर मिश्र. अगर इनको वाकई इन अल्फाज से चोट लग रही है तो मैं कहूगा कि यह अपने दिल को सेंसेटिव ज्यादा बनाए। प्रति पक्ष अखबार ने इससे भी कडे अल्फाज का इस्तेमाल किया है। जो लोग उन अल्फाज को बरदाश्त कर सकते है उन्हें मेरे अल्फाज भी बरदाश्त कर लेने चाहिये और वे बरदाश्त कर सकते है। मेरा मतलब किसी भी कीमत पर इस सदन को अपमानित करना नहीं था। इस सदन का अपमानित—सत्तारूढ़ दल के लोग कर रहे है, यह मैन आरोप लगाया है। उन से अगर आप—ब्रोथल हाउस शब्द निकाल देना चाहते है तो निकाल दीजिये, मैं अपनी तरफ से वापिस ले लूगा लेकिन मैं कहूंगा इस सदन को ये लोग आज अपमानित करने की साजिश कर रहे है और बहुत गन्दी जगह जैसी बनाने की इसका कोशिश कर रहे हैं।

SHRI K. P UNNIKRISHNAN: Is it expunged or withdrawn?

प्रो० मधु दंडवते: उन्होने स्पष्ट कहा है कि इस सदन की भावनाओं का अगर अपमान हुआ है तो मैं इन शब्दों को वापस ले लेता हू।

AN. HON. MEMBER: He has withdrawn.

MR. CHAIRMAN: He has withdrawn those words.

17 hrs.

SHRI SAMAR GUHA: Mr. Chairman. Sir, although in my humble way I had been in the service of the nation in the capacity of a political worker from my school days I have not been able to develop a thick-skin of a rhino. When I saw the editorials of all the leading dailies, I got so much infuriated and I was feeling so much unhappy by the words used in the editorial of *Times of India* 'It Stinks'. After reading these editorials, I felt so exercised

that my temper betrayed me to-day I was pondering as to what has happened to our conscience, conscience of the Members of Parliament On reading the papers the people in general and the youngmen in particular are agitated everywhere They think that something has happened in this House and so they are with holding the discussion of this important matter in the House I do not know what is wrong with the Government

Whether it is big or small newspaper everybody is writing editorials after editorials and giving about four to five columns in banner-headlines about the Licence scandal' On seeing them the people may slant spitting at us They are feeling that we have failed to maintain the standards of public life we have failed to maintain the integrity and the dignity of their representatives here They may even lynch us I think we shall never be in a position to continue in the way as we are behaving as their representatives

I was surprised to find when Shri Limaye was introducing the whole matter in this House he was speaking at a level not characteristic of him and on that day he rose above party considerations He took this matter as a challenge to the dignity of the House, he took it as an issue involving the dignity of the Parliamentary institution On that day, for the first time the whole House heard coolly and patiently the speech of my hon friend, Shri Limaye Not only that One after the other hon Members belonging to the Congress Party were supporting the demand for a parliamentary probe into the matter Those friends who had got a stigma in their names strongly urged for a Parliamentary probe One after the other Members of the Opposition brought in the privilege motion. When Shri Piloo Mody raised this issue a number of Congress Members came forward to support that Out of the 21 Members—all of them belong to the Congress Party—and intriguingly out of 21 Members, 17 belong to Bihar and a few belong to other contiguous areas Most of those involved in the scandals are very close to Shri L N. Mishra But none of us raised this matter on the floor of the House We did not take it as a party issue We took it as a collective issue involving the honour and dignity of this House We took it as an inseparable issue involving the dignity of the Members of Parliament I do not know what magic wand played on them that suddenly many Congress Members withdrew the demand for a Parliamentary probe We have got this opportunity to teach a lesson to a person who has abused this House with the filthy words—I mean Shri Fernandes This is the question before the country—it is not my question—this is a question before all the newspapers as to why this change in the attitude of Members of Parliament particularly from that of the ruling party when they were themselves supporting this? They are dishonest to everybody and even to the ruling party Mr George Fernandes before and after the railway strike is the most hated person Government could have got the opportunity to get hold of him They would never have hesitated even to hang him Now they are very sympathetic to him When they have got this opportunity why are they allowing him to go scot-free? What is the reason? Do you think that you will be able to convince the Members by this sort of a jugglery of discussion? You may be able to convince your Members of the House Already you have convinced them But, you will not be able to convince the people outside You will not be able to convince the public at large in India When you get hold of Shri Fernandes to teach him a lesson why are you not taking that opportunity to do that? The people have argued so It is not my argument This is the argument of all papers of

[Shri Samar Guha]

to-day—the *Times of India, Statesman, Hindustan Times* and all other papers. All of them argued that the Government is afraid to have a discussion for having a Parliamentary probe. Somehow or other, the opportunity has been availed by Shri Piloo Mody, because George Fernandes has given this opportunity to us. We should pursue. (*Interruptions*). He may be my friend. I do not agree with the words he has used. I tell you very frankly. Whoever he may be. He may be my closest friend. That is not the real question. It is the question of image of democracy; it is the issue of democratic values. This Parliament is the embodiment of all those values for which we are here. For that reason, if anybody tarnishes that image, if anybody undermines that image, whoever he may be, I do not want to forgive him. Yes, we are taking advantage of this issue. Since morning, we are trying to give some kind of artificial adjournment motion. Why? Because, we want that this matter should be discussed. This is very stinking. This is stinking all of us; this is stinking all of you. (*Interruptions*). Certainly, I should say this is the worst word he has used 'like a brother'. I cannot imagine it. I do not know whether he has written it, or who is responsible. I am not speaking on party lines. Please do not view it in that light.

But, there is one point. He has used certain words. If this is sent to the Privileges Committee, and if he cannot justify his remarks, then, this is an opportunity for the Privileges Committee to teach him a lesson of his life. I say, Mr. Qureshi, this is a golden opportunity for you. Why are you afraid of? Whenever small things appear in newspapers, here and there, either in a small newspaper or a big newspaper or in a weekly or in a monthly, those things are brought up before the House and their apology is sought in the House. We have done this hundred times. But, when there is such a serious thing, vulgar abuse, we are allowing him to go completely free and he will say boldly 'Look, I have charged this Parliament; I have accused them, but, they have neither the guts nor the courage to take my Challenge'. What will you say to that? Why are you afraid? I am not arguing. Already, newspapers have argued in this line. I am quoting their arguments. These are not my arguments. People will argue; Press will argue. What will they argue. They will say Government is afraid of taking the matter to the Privileges Committee because if it is taken to the Privileges Committee, the Privileges Committee will be entitled to examine all the 21 Members; they will be entitled to examine the preliminary report of the CBI and they will be entitled to call for all the papers. People will say; Press will say, Government is afraid of such slips. I am not saying this. They will say Government is afraid of, because something more serious will come out of it; by digging it, some unbelievable things may come out of it. You have to prove or disprove. The onus is on you. If you say that there is nothing wrong, why are you afraid of? If you say that you cannot produce those papers, those documents, those persons, those signatures, those CBI reports, naturally people and the Press will guess that because of your guilty conscience, you are afraid. The word 'afraid' is already used by newspapers. That is the reason, why they went to circumvent it; they want to prevent it from going there.

Sir, I am concluding. This is a serious matter. I was to address a big student meeting. Since I considered this to be more serious, I telephoned to them that I am not coming there. Another point is, what have they written in the editorial. They have said that if the CBI enquiry is conducted into the matter, then, this discreet hint—that is the word used, not mine, this is in the

Times of India, Statesman—is enough to influence the bureaucrats not to deal too much with the high-ups. This is not my word. They have written. This is the feeling in the country. That is the feeling, that you can manage the CBI, but you cannot manage a parliamentary committee. This privilege motion is just a technical matter. But the crux of the problem is, will we inquire into the whole thing through a parliamentary committee, not through a questionable element like the CBI? If you put yourselves in the position of an inquiry by a questionable body, you will be suspect. It is not my word. All the papers have used it The ruling party is suspect now in the eyes of the people, in the eyes of the press, in the eyes of everybody. When you are suspect, we are not spared; when your iamge is under a cloud, our image is not spared. I repeat our image is a collective image. We are the embodiment of the will and aspirations of the people.

I will quote from the *Times of India*:

"The Government always blames its critics for levelling vague charges against ministers and bureaucrats. But when a specific charge is made as in the present case—the Union Law Minister himself has gone on record to say that *prima facie* some offences happen to have been committed—it is seized by panic at the very idea of a parliamentary probe. Can there be any more damning evidence of what little store the government puts by standards of probity in public life?

"The impression that the government is morally afraid to delve too deep into the matter because it may bring too many unsavoury facts to light is further confirmed by its bizarre behaviour in regard to Mr. Piloo Mody's motion to refer to the Privileges Committee an article vilifying members of the Lok Sabha in the most scurrilous manner."

Again:

"Seeing that much less contemptuous statements in the past have attracted privileges proceedings with the consent of the ruling party, the public will draw its own conclusion from this. It will be indeed fully justified in thinking that the government's cynical tolerance in this case is the result of a desire not to protect Mr. Fernandes whom it will be only too glad to arraign but to save its own skin".

The situation in the country is already very bad. People are losing their faith in political parties and even the parliamentary system. People are considering the political parties as almost irrelevant. Political communities are most hated by the people.

I want to conclude by saying, let us take a lesson from Nixon's quitting. Great achievements and worst sins do not go together. We can continue to conceal sins, but we cannot conceal sins for ever. If you do not have a probe into this matter by a parliamentary body, an independent body, chosen by the will of the people, then the people will say you have committed a sin, you have been caught red-handed, and then the people will say 'You quit or we will kick you out'. What answer have you to that?

सभापति महोदय : देखिये, मैंने अभी कहा था कि साढे पांच बजे मैं मिनिस्टर साहब को बुला रहा हूं। अभी मेरे सामने तीन नाम बोलने वालो के बाकी हैं—मिस्टर सतपाल कपूर, मि० चपलेन्द् भटटोचार्य और मि० बी०आर० शुक्ला, अब मैं दरख्वास्त करूगा....

श्री राम हेंडाऊ (रामटेक) : मेरा नाम और जोड़ लीजिये।

सभापति महोदय : आप का नाम नहीं हैं मेरे सामने।

[सभापति महोदय]

इसलिए आप खुद ही तय कर लें कि कौन साहब बोलना पसन्द करेंगे ? जो भी आने तीनों को टाइम देने के लिए मैं तैयार हूं लेकिन साढ़े पांच से पहले समाप्त करना है ।

श्री राम हेंडाऊ . मेरा नाम उसमें दर्ज कर लीजिये ।

सभापति महोदय : अब नहीं हो सकेगा ।

SHRI CHAPALENDU BHATTACHARYYIA (Giridih): Unfortunately you have allowed our hon. Members on the Opposition to ramble on and on and repeat the points *ad nauseum* and when it comes to us we are rationed out a few minutes. My first point is this. The Pratipaksh is dated September. How could it be distributed on or about the 2nd or 3rd September, five days before its publication? Is it a command performance? Then by whom? Is it a riposte on behalf of George Fernandes who has been hit during the railway strike having a hit back upon Parliament, in particular against the Members of the Congress Party? Is that his riposte? I very much suspect it is.

Our friends on that side raised the question of subjective feelings. What is the motivation of George Fernandes? One suspects that this was more than a motivation, a command performance, to give a handle to beat the Congress Party. They have tried at the elections; in the hustings they failed. They want to make it up by giving a colour which is not there.

What is wrong with the—CBI? I can quote hundreds of speeches made by Members of the Opposition when things went wrong, they should be referred to the CBI. When it comes to this particular issue, they say refer it to the Committee of Privileges. I go a step further: why to the parliamentary Committee of Privileges, why not Parliament itself. Let Parliament discuss and decide and come to a decision; that will be the fairest possible arrangement. Professor Mukherjee, a Marxist, quoted Srimat Bhagawat Gita.

"स्वल्पमप्यस्य धर्मस्य त्रायते महतो भयात् ।"

The entire sloka is as follows:

नेहाभिक्रमनाशोऽस्ति प्रत्यवायो न विद्यते ।
स्वल्पमप्यस्य धर्मस्य त्रायते महतो भयात् ।

The central theme of Srimati Bhagawat Gita is disinterestedness. Are the Opposition Parties disternested. . (*Interruptions*). I am not quoting Bhagawad Gita; Professor Mukerjee did. Have opposition reached that stage where they could quote Bhagawad Gita Let me quote certain Marxist affirmations.... (*Interruptions*). I do not know who is the devil and what is the scripture. Their speeches, themes and quotations are a strange cocktail. Did they make a success? Normally opposition tactics are if you throw enough mud some at least will stick. Well, they have been carrying it out. Mr. Piloo Mody spoke about puppeteer Who are the puppeteers behind such publications? Who are the puppeteers behind strange bedfellows of various political complexions who have come together?

MR. CHAIRMAN: Please conclude now. Shri Sat Pal Kapur.

श्री सतपाल कपूर (पटियाला) : चेयरमैन साहब, एक बात बहुत साफ है कि कुछ लोग जो यह प्रिवेलेज का ईशु उठा रहे है, उन को सब से ज्यादा मजा इस बात मे आता है कि वे ज्यादा से ज्यादा गालियां किस तरह से दें । अभी तक प्री-पोस्ट अखबार भी छपते हैं यह बात सुनने में नहीं आई थी, यह जो अखबार है, इस का पहला शुमारा 25 अगस्त का छपा, दूसरा 1 सितम्बर को और यह जो तीसरा अखबार है इस पर 8 सित--

म्बर छपा है, यानी ता० 2 को जो अखबार शाया हुआ, उस पर तारीख 8 छपी हुई है। पीलू मोदी साहब, जिन्होंने इस प्रिवेलेज मोशन को उठाया है, उन का हिन्दी नहीं आती है, लेकिन कहते है कि मैंने इस अखबार को पढा और पढकर बडी ठेस लगी।

चेयरमैन साहब, ये जो जार्ज फरनानेण्डीज और मधु लिमये है—ये किस के ट्रेण्ड किये हुए हैं? ये डा० लोहिया के ट्रेण्ड किये हुए हैं, उनके पिटे हुये मोहरे है। पीलू मोदी साहब यहा पर जनता की बात करते है, यहा पर इथीरिटी की बात करते है ग्रेण्ड एलायनस की बात करते है, सात पार्टियो की बात करते है। ये फ्रस्ट्रेटेड पोलीटीशियन्ज यहा पर यह इस्टाब्लिश करना चाहते है कि देश मे पार्लियामेन्ट्री सिस्टम गिर रहा है और इस के बचाने की जिम्मेदारी इन के सिर पर है। काम्पिरेसी करके यहा आते है। यह अखबार कैसे छपा, किस ने छपाया, उस का मेटीरियल ऐसे ही लोगो ने प्रोवाइड किया, ये लोग खुद इसके पीछे है—हमारे यहा पजाबी मे एक कहावत है—

रादी यारा नू, नाव लेले प्राहवा दा।

जिन लोगो का आज पार्लियामेन्ट और पार्लियामेन्ट से प्यार हो रहा है, पिछले दो दिनो मे इन्ही लोगो ने, इन्क्लडिंग आल इन्डिया पार्टीज पार्लियामेंट का सब से ज्यादा मजाक उडाया है। आज ऐसे लोगो को कन्डेम करने की जरूरत है उनकी मजम्मत करने की जरूरत है। जार्ज फरनेन्डीज की भी, जिस ने इस अखबार को छापा है मजम्मत की जाय और ऐसे तमाम लोगो को जो सो-कालड लीडर्स बने हुये है, जैसे पीलू मोदी, मधु लिमये, मधुदण्डावते की भी मजम्मत की जाए।

आज हमारे सामने सबसे बड़ा सवाल यह है कि अगर कोई आदमी इस हाउस की बेहुरमती करे, बेइज्जती करे, और जो चाज वह कह रहा है, वह इस्टेब्लिश न हो, तब हम उन चाज को कमेटी को रेफर करे। लेकिन हाउस इस बात पर कान्फिडेन्ट है कि उस आदमी ने हाउस की बेइज्जती की है तब सवाल यह आता है कि बेइज्जती किस नेकी है, जान-बूझकर की है, कौन कौन लोग उस मे शामिल है, क्या यह हाउस अपने तौर पर उन बातो को अपनी नोटिस मे नहीं ला सकता? हमें मामले को कमेटी को तब रेफर करना चाहिए जब किसी मामले मे कोई डाउट हो, हमे कोई शक हो, तब उस मामले का इन्क्वेयरी कराने की जरूरत है। लेकिन यहा अपोजिशन के जितने मेम्बर बोले है सब ने यह कहा है कि इस हाउस की बेइज्जती की गई है, मेम्बर्ज की बेइज्जती की गई है। मैं भी इस बात मे एग्रा करता हू—ऐसी हालत मे सवाल यह पैदा होता है कि जो बेइज्जती की गई वह किस ने की है, उस की तह मे कौन है? हमको मालूम है कि वह कौन है ...

श्री पीलू मोदी: मैंने की है।

श्री सतपाल कपूर: ये कह रहे है कि मैंने की है। ऐसी हालत मे ऐसे लोग जो हमारी सियासत को गन्दा कर रहे है उनकी मजम्मत यहा होनी चाहिए। किसी कमेटी को रेफर करने के बजाय इन लोगो की मजम्मत इसी हाउस मे होनी चाहिए।

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H R. GOKHALE): I want to give only a brief reply. Though my hon. friend, Shri Piloo Mody raised a motion of privilege, it travelled much beyond the scope of that motion. Fortunately, many hon. Members on his side have given a fitting reply to many of the side issues which do not pertain to the motion which was raised by the hon. Members of the opposition. While it was a motion for referring a certain matter to the Privileges Committee, it was virtually transformed as it were, into a vote of censure or a vote of no confidence, which has been expressly disallowed by the Speaker earlier. Anyway, I am going to con-

[Shri H. R. Gokhale]

fine myself to the question of the demand for reference to the Privileges Committee, which is the subject matter of the motion of Shri Piloo Mody.

I may make it very clear at the outset that the whole tenor of the writing in this weekly, of which I have never heard of before, *Prati Paksha*, and I am sure not many of us have ever heard of it before—probably, it appeared for the first time for the purpose of creating this difficulty—the whole tenor of its writing is defamatory in character. By an indirect method and as a result of the conspiracy this matter is now sought to be taken to the Privileges Committee. What is sought to be done indirectly is something which they cannot do directly by the many other weapons they have in this House. At the same time, the whole tenor of the indecent language used in *Prati Paksha* against Members of Parliament and against Parliament itself undoubtedly constitute a gross breach of privilege and contempt of the House. There can be no two opinions about that.

The defamatory character of the writing is apparent on its face. In a different context there is a Latin phrase *res ipsa loquitur*, which means the thing speaks for itself. When the thing speaks for itself, you do not have to prove what it is. The language used in this particular weekly is, on the face of it, *per se* defamatory. It does not require to be proved that it is defamatory. Because a mere reading of the dirty article in *Prati Paksha* needs no conviction for any right- thinking preson to come to the conclusion and it is a defamatory and contemptuous article. Therefore, there can be no two opinions and there should be no hesitation in unequivocally condemning this scurrilous writing referred to in this weekly *Prati Paksha*.

Our opposition to the motion should not be interpreted to mean that we are condoning it. We take a very strong view of what has been said in a very scurrilous way against the hon. Members of this House and against the whole Parliament as an institution. The worst of it is that it comes from a person who at one time had belonged to this House by being a member of this House. Therefore, I want to comphasize that our opposition to this motion has nothing to do with any interpretation which would come to this that we are condoning this. We are not condoning this. On the other hand, we strongly condemn it.

But we know that the motion has been brought with a motivation which is political. I have heard the speeches of all hon. Members opposite today, and I am only confirmed in what I knew and what I thought in the morning before this debate started. Because, fortunately, I must concede that to this extent there was some honesty on the side of the opposition members that they made no secret of the fact that the reference of the motion to the Privileges Committee is intended to serve the purpose of a probe in a matter which is entirely different, because they knew they were not in a position to achieve that objective in the normal parliamentary process. It is not as if I have to say this. They have virtually admitted it in their speeches that this is the object which they want to be served by this Privilege motion. We find that a procedure of this House is sought to be used for a dishonest and ulterior purpose and we are, therefore, opposing this motion.

But let me make it very clear that I do not want to under state or under-estimate the importance of the other question which has been raised and in respect of which there has been so much strong feeling in the House. The question of privilege, I submit, should not be mixed up and should not be combined with the

other. I submit that it has to be separated from the alleged forged signatures of members of this House and matters relating to the grant of licence and so on and so forth.

I need hardly assure this House that the Government is as much concerned with the dignity and respect of the members of this House and of the Parliament as a whole, as indeed all the members of this House are, including the hon. Members of the opposition. That is why the Government set in motion much earlier the enquiry by the CBI, and a preliminary verification report has been received. As I had occasion to mention in this case, on the basis of that report it appeared that some offence seemed to have been committed and that the offences have been registered as offences and a proper investigation into the criminal offences is in progress. As a result of the investigation, if there is enough material to establish that these offences have been committed and it is possible to identify the offenders also, I have no doubt that no efforts will be spared to see that the offenders are brought to book in a court of law. The CBI has been instructed to expedite the inquiry and to complete it as early as possible. I also want to mention this. I do not want to say that the Government alone will look at the results of the CBI inquiry. I want to assure the House that, when the results of the CBI investigation are known, the Government will take the House into confidence and at that stage it will be proper for the Parliament, for the House to consider as to what appropriate steps are to be taken for protecting the rights of the hon. members.

It needs no emphasis or repetition that the rights and privileges which the Members of Parliament enjoy are valuable rights. It is necessary to preserve them, so that they are able to discharge their functions as independent Members of Parliament, unimpeded by any kind of pressure or any kind of undue influence. I assure the House that the Government will not be failing in its duty to see that these rights and privileges are upheld. I am repeating this again and again.

I am not going into the details of other things. For example, one hon. Member sought to produce in the House what he described as the top secret documents of the Commerce Ministry. It is very unfair because whether or not you can ask the member as to what is the source of this information and the documents which he received, certainly Parliamentary requirements and procedure are that, if you want to take a particular Minister who is in charge of a Ministry to task for something which is alleged to have been done and for which those documents are sought to be relied upon, notice ought to be given in fairness to Minister, so that he can come and explain the whole position to the House. And then the House is the judge of the whole matter. The rule was pointed out and I assume that the presiding authority at that time did agree that it was not proper to refer to those extraneous matters So many other things which are un-connected with the privilege issue were referred to. This was an attempt made to press, as it were, the de-mand for an independent Parliamen-tary probe which is the subject-mat - ter of other motions given notice of, and no secret was made of the fact that because those are not coming through since the Government have said that they are having an inquiry by the CBI and that the matter could be considered after the preliminary facts have been gathered, after the investigation is over—a surreptitious method by the backdoor is being adopted to have the matter sen t to the Privileges Committee. That is why, and for no other reason, we are opposing this motion for reference to the Privileges Committee. I once again repeat that we are second to none in our condemnation of the

[Shri H. R. Gokhale]

dastardly and scurrilous manner in which the editor of the weekly which has been referred to has referred to the hon. members of this House and the whole House itself.

I command to the House that this motion be rejected.

SHRI PILOO MODY: Mr. Chairman, Sir I think .

श्री शंकर दयाल सिंह सभापति जी मेरा प्वाइन्ट आफ आर्डर है। "प्रतिपक्ष" जो पत्र है वह हिन्दी में है मैं जानना चाहता हू कि पीलू मोदी जी ने जब अपना मोशन मूव किया था उस समय वाजपेयी जी को दिया कि आप पढ कर सुनाइये मैं हिन्दी जानता नहीं तो सबसे पहले वह उसको पढकर मुझे सुनाये क्योंकि अगर वह पढना भी नहीं जानते तो रख कैसे दिया ? "प्रतिपक्ष" को लेकर विपक्ष का दो दिन से नाटक चल रहा है मैं चाहता हू इसका अन्त हो जाना चाहिए। इसलिए इन बातो को मैं आपके सामने रखता हू और आप की इसपर रूलिंग चाहता हू। आप कहिए वह हिन्दी में पढे।

सभापति महोदय : यह आपने एक सवाल किया है यह कोई प्वाइन्ट आफ आर्डर नहीं है।

SHRI PILOO MODY (Godhra): Mr Chairman, Sir, I would like to deal with this point first. Every loud-mouthed member in this House seems to think that it is only if you know a particular language that it is possible to find out as to what has been written in that language. I think, the world has moved away beyond that stage. I do not know what jungle he comes from, but I do know that it will be very difficult for him to put up a piece of English text in front of any of his friends and ask them to translate for him.

What is it so difficult in finding out? I got up, when the hon. Member was not here and having a good time in the Central Hall, and publicly admitted—It is on record—that I cannot read Hindi. Does that satisfy him? Even then, he asks this question! That means positively if he has heard it, then I think it is *mala fide* because he is either dim or *mala fide*. Having publicly admitted that I cannot read Hindi, why do you come and ask me again? Just let it pass. There are more important things to deal with.

I think that by far the poorest speech and the poorest defence was that of the Law Minister. I think he realises it and he has therefore, disappeared somewhere. I do not know whether this privilege motion has created too much pressure on him or whether it is merely a question of having to evade the final outcome He says that there are no two opinions as to what has appeared in this paper, that what has been written in this paper is bad. I also agree with him that there are no two opinions.

Many of his own party people also agree with him including Shri Priya Ranjan Das Munsi who totally agreed day before yesterday morning that there was no difference of opinion on this issue at all among many others, who have now all of a sudden realised the ulterior motives of the Opposition in bringing forward something like this.

As I said in my speech yesterday, this matter should have been referred to the Privileges Committee in exactly five minutes. If you will see the restrained manner in which at the time of bringing up the issue of privilege, I said 'It has been brought to my notice.....' I did not say I read it '....that in a report publi-

shed in a paper called *Pratipaksh* a most scurrilous attack has been made on the Members of Parliament. Sir, I think this is a matter which goes even beyond the pale of privileges because it says apart from other things"—and then again there was some interruption even on an innocuous statement like that—and then it goes on to describe what the paper has said very briefly that it has mentioned this and this and finally makes a plea that it should go the Privileges Committee. At that moment, several people could have said, 'Yes, of course, this is a definite case of privilege' and the matter would have gone to the Privileges Committee. The newspapers would have known nothing about it. Yesterday morning papers would have said nothing about it. A few comments here and there would have been made and this embarrassment to the institution of Parliament, Members of Parliament, to individuals, to Shri L. N. Mishra and his *Chalis Chor* and the Members of his Party who were infructuously made to get up and defend an indefensible motion—all this would have been saved and six months later, six years later, sixty years later, some report would have come out of the Privileges Committee tabled on the Table of the House and everybody would have forgotten about it. But, no, the Congress does not function in that fashion The Congress functions only in one fashion and that is the survival of the leader. This is the only motivating force in the entire Congress Party, the survival of the leader, for which all these henchmen have to be gathered in order that the leader may be kept afloat.

Look at the quality of the debate. Look at the arguments that were advanced. Look at the way a senior member of the Opposition has been taken to task on one point and then immediately scored out of the record. Why? Will you tell me why only for this reason? I must say this. I have no illusions about Mr. George Fernandes's motives in writing an article like that. His motives are his own. Why he has written like that, what his motives are—I make no bones about it. But the fact of the matter is that it has been printed the fact of the matter is that it will be seen, the fact of the matter is that this House must be seized and the fact of the matter is that it should have gone to the Privileges Committee, Mr. Gokhale, the right honourable Minister for Law and Justice and Company Affairs, and God knows what else, says, and this is again a misreporting here.

> "I am on the question of the Motion by Shri Piloo Mody with regard to a newspaper report. I have not seen the newspaper report and my colleague has also not seen it. We keep our mind open with regard to this question."

Their minds have been open ever since with regard to this question and thereafter going on to comment on things extraneous to the motion, as for example, enlarging the scope of the motion. Nobody can accuse me of having gone beyond the scope of the Motion as I introduced it. My motion was on a sirillous report that has been printed and my plea is that it must go to the Privileges Committee. It could have been finished in five minutes. But because you have a guilty conscience you don't want to do it. You have a brute majority Will that obliterate truth? Will that obliterate honesty Will that obliterate airplay? Will that obliterate fair practice? Do you think you will be excused for this thing? Do you think there is any innocent way out of what you are being charged with? Is there anybody who is not convinced one hundred-percent that what we are accusing them of is true, that you have been plundering this country, that you have been cheating this country, that you

[Shri Piloo Mody]

have been giving licences against favours.

श्री प्रिय रंजन दास मुन्सी : केन्दू लीव स्कैन्डल के बारे में भी तो कुछ बताइये ।

SHRI PILOO MODY: It is the same *Chalis chor* getting up again and again and now *ek ektalisma chor khara ho raha hai....*

SHRI PRIYA RANJAN DAS MUNSI: What about kendu lead scandal—Mr. R. N. Singh Deo and others?

सभापति महोदय : अभी जो लफ्ज आप ने यूज किया और मैंने सुना वह अनपार्लियामेंट्री है । म चाहता हूं हाउस के अन्दर इस तरह के अल्फ़ाज इस्तेमाल न हों । आप मेहरबानी करके इसको विदड्रा कीजिए । 140 का चोर शब्द आप ने जो इस्तेमाल किया उसको वापस लें ।

SHRI PILOO MODY: I am not prepared to say any thing unless I understand what you are telling me.

यह नहीं कहा । मैंने कहा इक्तालीसवा चोर मैंने पहले कहा था अली बाबा चालीस चोर और अभी इनको बोला इक्तालीसवा चोर ।

सभापति महोदय : क्या यह मुनासिब है कि किसी मेम्बर को इस तरह कहा जाय कि कोई 40 वां हो इक्तालीसवां हो या बयालीसवां हो? मैं आप से अपील करता हू कि आप उस को विद्ड्रा करे ।

SHRI PILOO MODY: There is this newspaper report which is the subject-matter of today's privilege motion. Every Member of the House is called chor. Majority opinion is, it does not constitute a matter for privilege; therefore it cannot be considered unparliamentary Therefore, I think, you are exceeding your authority in asking me to withdraw it.

सभापति महोदय : मि० पीलू मोदी आप जिस पेपर का रेफरेंस दे रहे हैं या आपकी राय में उस पेपर में जो लिखा है उस के लिए जस्टिफिकेशन है और क्या हाउस के मेम्बरान के लिए जिन अल्फ़ाज को उसमें कहा गया है वह बोलना ठीक होगा ।

श्री पीलू मोदी : मैं समझ नहीं पाया कि आप क्या कहना चाहते है ।

MR. CHAIRMAN: I appeal to you to withdraw these words.

SHRI PILOO MODY: Mr. Chairman Sir, there is one condition under which I am prepared to withdraw it If it offends the guilty conscience of my friends, I am quite prepared to exchange the word '*Chor*' for the word you suggest to me. Is 'thief' permitted? Otherwise I will call them plunderers. The way this plunder has been going on insidiously day by day on a sustained basis in a scientific manner how long do you think you are going to escape the consequences of this These 21 signatures are only a little tip of the iceberg. The fact of the matter is this was an innocent game they were playing. They are actually playing games which are far more dangerous, the consequences of which are going to role back on them. It is now only a question of time before the full weight of what is happening will come and fall crashing around their heads

When this debate started several of these people, who early in the morning have a fresh conscience, got up and spontaneously said it should go to the Privileges Committee. Then something happened in dark corridors and all of a sudden the idea was: 'no privilege motion'. And then all these people burnt the midnight oil and found infructuous arguments. Day before yesterday I was a good guy; today I am a bad guy because it suites their dirty scheme. Whatever happens, the structure on which this corruption breeds must not be touched. This is

the sanctum sanctorum of this Government. The manner in which corruption is to be allowed to grow untouched by public opinion, untouched by opposition, untouched by the newspapers. Well it is the end of the road. By all means vote down this privilege motion but you have opened the flood gates. Henceforth it will be impossible for you to stop any newspaper from printing the most scurrilous muck not only against you collectively but against you individually. And with what face you are going to come back to this House and complain like a hurt-sheep-dog about the manner in which your gentle and genteel feelings have been hurt? It was so touching to see my friend Unnikrishnan about whom it was said in one of the papers that he indulged in a lie when he said a particular thing and for three weeks and on six occasions a Privilege issue was brought before Parliament. Today he is being called a 'Chor', a 'Dalal', a man who runs a brothel plus plus plus and yet he says this is no issue of privilege, because there is 'ulterior motive' in this. The one expression that gives them total immunity to say what they like is that this is 'politically motivated.' Once a thing is supposed to be 'politically motivated' then they have right to do anything to stop this political motivation.

क्या हम यहां घास खोदने आते है ?

And I even heard my friend Goswami talk about 'moral right'. I can understand his talking about rights because he has majority but for him to talk about morality is just a little too much. Not only 'political motive' but also 'political game' has become now a sin as far as the Opposition is concerned.

Another sad moment of today's debate was my friend, Shri Daga. Where is he? What a scheme: I had once recommended him for the Agricultural Ministry.

सभापति महोदय : माननीय सदस्य पांच मिनट में अपनी स्पीच खत्म करें।

SHRI PILOO MODY: I can also talk about many of my friends who spoke in this debate. My friend Mr. Stephen He tries so hard. On every occasion, every morning, when he comes, he is full of vigour, full of argument, full of rules, but so far, he has not even got as far as the fourth bench over there. It is tragic that for this little game of musical chairs, what they are prepared to do This is the tragedy.

18 hrs

My friend, where is he, the great Minister of Parliamentary affairs who is supposed to be orchestrating this House as a sub-conductor? Where is he? Why is he not here? He has gone round collecting a group of people who are supposed to back him up on every issue. The thing that I am really complaining about is that the corrupt system on one side and the political system on the other side, the two are combining only in order to preserve the one single motivation of this political party known as the Indian National Congress, which is the survival of the Leader. It is all operating for only one purpose. It is tragic. It is debasing mankind. It is a sad sight to see intelligent, virulent independent-thinking men succumb so easily to the temptations of pomp and pelf. Therefore, I am almost tempted to amend my own motion. But, without doing that, in a final appeal to the conscience, the conscience which worked so very well for them in 1969, I would ask them, 'don't make a mockery of our only institution'. Parliament, in spite of its failures, in spite of its shortcomings, is the last vestige of democracy left in this country. This Parliament, such as it is with your massive mandate, is the last vestige of democracy which has been left in this country. It is to preserve this Parliament that I appeal to you to vote for my privi-

[Shri Piloo Mody]

lege motion, to send this matter to the Privileges Committee and to hell with the consequences of whoever gets it into the neck. But, this is the only real thing to do and that is why I am appealing to you to do it.

सभापति महोदय : श्री वसन्त साठे ने एक एमेंडमेंट दिया है ।

SHRI P. K. DEO (Kalahandi). Sir, on a point of order.

MR. CHAIRMAN He says, The Speaker, Lok Sabha: I have to move a counter motion

(*Interruptions*).

SHRI P. K. DEO: You cannot read it without circulation

SHRI MADHU LIMAYE Even the mover of the motion has concluded his speech. This cannot be done at this stage. This should have been done at the beginning Not now.

(*Interruptions*).

SHRI JYOTIRMOY BOSU: I am only asking you, Sir, under what Rules you are admitting this substitute motion?

MR. CHAIRMAN Under Rule 226.

SHRI JYOTIRMOY BOSU: You cannot If this is so, let the Rules be thrown out. No.

You can vote us down, but we cannot allow a substitute motion

श्री अटल बिहारी वाजपेयी : आपने यह कहा है कि यह नियम 226 के अन्तर्गत आ रहा है । इसको आप भी जरा गौर से देखिये

"If leave under rule 225 is granted, the House may consider the question and come to a decision or refer it to a Committee of Privileges on a motion made either by the member who has raised the question of privilege or by any other member".

लेकिन स्टेज यह नहीं है । आर बाई एनी अदर मेम्बर इस रूल का मतलब यह है कि कोई मेंबर—प्रिवलेज मोशन मूव करने की इजाजत मांगे और अगर उसकी मोशन तैयार न हो तो और कोई मेम्बर यह मोशन दे सकता है कि इसको प्रिवलेज कमेटी को भेजा जाए । ऐसा कई बार हो चुका है । लेकिन अब जब कि एक मोशन हो गया है उस पर चर्चा हो गई, जवाब दे दिया गया, यह मोशन जिसको आप अब लेने जा रहे है जो सर्क्युलेट नहीं हुई है जिसका कोई नोटिस नहीं है, इसको उठाने की आप इजाजत कैसे दे सकते है ?

प्रो० मधु दंडवते : श्री पीलू मोदी ने एक प्रस्ताव हाउस के सामने रखा, उस पर यहां बहस हुई, उसका जवाब मोदी साहब ने दिया, उनका जवाब खत्म हो गया है । आप इस सदन के सभी प्रसिडन्ट देख ले, सभी नियम देख ले और आपको पता लग जाएगा कि नियमों के अनुसार और प्रेसीडेंट्स के अनुसार भी इस सदन में ऐसा एक भी उदाहरण नहीं है कि प्रस्ताव पर जवाब पूरा होने के के बाद कोई काउंटर मोशन पेश हुआ हो । अब यह काउंटर मोशन नहीं आ सकता है।

SHRI P K. DEO: On a point of order. Shri Piloo had moved a motion and he has given reply after a full debate. The proper time for the substitute motion would have been before the reply of Shri Piloo Mody so that he could have his say on the substitute motion After Shri Piloo Mody has replied to the debate, there is no other option for us except to vote on the amendment already moved and then the main motion There can be no substitute motion at this stage. I want a ruling from you on this.

SHRI S. M. BANERJEE: On a point of order When we were attending the Business Advisory Committee to consider whether a discussion should be allowed or not, we were told by someone that there is a substitute motion which is likely to be moved by my hon. friend, Shri Sathe. Before going to the Speaker's room for the Business Advisory Committee meeting, I of course saw my hon. friend, Shri Sathe, moving hither and

thither, but I did not know what he going to do If he has moved a substitute motion, I would invite your attention to this When Shri Piloo Mody moved a motion of privilege and there was some controversy as to whether this was a notice or a motion, I in my wisdom moved a motion under 226, which was already with the Speaker The hon Speaker said that one motion was before the House and as such no other motion could be moved It is on record I submit that the Piloo Monday's motion and the amendment of Mr Madhu Limaye had been circulated on 4 September 1974 The hon Member Mr Sathe could have moved the substitute motion at that time Nobody knew what the substitute motion was News travelled from the other House to this House through the Central Hall Suddenly they realised that something has been moved in the other House and relying on the wisdom of the elders somebody moved a motion here The question is simple We have discussed this matter threadbare and now the debate the concluded after the speech of the Mover of the motion The Speaker has not granted permission to the substitute motion He can give another motion tomorrow or the day after and this motion should be voted upon

श्री - पुरुषोत्तम अध्यक्ष महादय नियम और सदन की परिपाटी यह है कि जो मूवर होता है प्रस्तावक उस का भाषण होने के बाद जिनके नाम से अमेंडमेंट्स है उनको आप बुलाते है और कहते है कि क्या अमेंडमेंट आप मूव कर रहे है ? जब वह कहते है कि हा, मै पेश कर रहा हू तो अमेंडमेंट्स अभी बहस के लिए आपके सामने आ जाते हैं । अगर कोई अमेंडमेंट पेश करने वाला सदन मे नही रहता है तो वह अमेंडमेंट चर्चा के लिए नही आता है । अब इनका जवाबी भाषण हो गया । अब नियम 359 के तहत क्या करना चाहिए यह मैं आप के सामने रख रहा हू

"subject to the provisions of sub-rule (3) of rule 359 the reply of the mover of the original motion shall in all cases"

Without exception

' in all cases conclude the debate '

इतना कंटेगारिकल है कि डिबेट समाप्त हो गया, अब कोई अमेंडमेंट नहीं फाउंड नही आ सकता ।

SHRI SHYAMNANDAN MISHRA It is indeed a very interestmg case which has arisen and we have to go into it very objectively and cooly The claim is that the substitute motion is based on rule 226, What does rule 226 says? If leave under rule 225 is granted the House may consider the question and come to a decision When leave is granted to make a motion under rule 225 that is based on a matter having been considered There was a particular matter which was considered on the basis of that matter leave has granted under rule 225 Now any motion that would come later must be related to the matter for which leave has been granted under 225 The matter cannot be a foreign matter That is my first submission The case has been completely given away by the hon'ble Mover and also by those who are associating with him Rule 226 says

'If leave under rule 225 is granted, the House may consider the question and come to a decision

The first thing which the House can do is to consideer the question and come to a decision

That is one thing If the House considers the question and comes to a decision that it should not be referred to the Committee of Privileges

[Shri Shyamnandan Mishra]

that is one aspect. The other aspect is that it might be referred to the privileges committee either on the motion moved by the mover or by a motion by any other hon. Member. The substitute motion moved by any other hon. Member also will be governed by the fact whether it is going to be referred to the privileges committee. The motion cannot be on the basis of anything else. Since the is sought to be moved does not ask for reference to the privileges committee, it is not in order.

मेरा आप से यह निवेदन है कि कोई मोशन वैसा ही आ सकता है जिसका उद्देश्य हो कि वह प्रिविलेजेज कमेटी में जाय यानी उस का मतलब हुआ ।

Anything which basically conflicts with the original motion cannot be moved in the House.

SHRI JYOTIRMOY BOSU: Mr Madhu Limaye has clinched the whole issue. Rule 359 is very clear that once the mover of the motion has made his reply, the debate is concluded and only the vote of the House is to be taken. Nothing beyound that can be done.

SHRI C. M. STEPHEN: This is covered completely by a ruling of the House. I am reading from *Kaul and Shakdher*:

> "On April 5, 1967, a question of privilege was raised in the House alleging that the Ministres of External Affairs and Commerce and the Prime Ministers had misled the House by making misleading and untruthful statements in the House. A motion was moved to refer the matter to the Privileges Committee. The Minister of Parliamentary Affairs moved a counter-motion to the effect that the Ministers concerned had not committed any breach of privilege of the House.
>
> **Thereupon a point of order was raised that the second motion, which had merely the effect of a negative vote, was out of order under Rule 344. Citing Rule 226 (g) the Speaker observed that either one of the two motions or both the motions could be made thereunder, and ruled:**
>
> The original motion states that a *prima facie* case of breach of privilege has been made out and the matter should be referred to the Committee of Privileges for investigation.
>
> If this motion is voted down, it only means that the matter is not referred to the Committee of Privileges, and the substantive part of the question of privilege, namely,.."

MR. CHAIRMAN: This motion was moved at a stage. ....

SHRI C. M. STEPHEN: Let me come to that .... (*Interruptions*)

Is there a rule that they alone can speak and everything they say is relevant? I am quoting a ruling which is relevant to this case. It says:

> " . namely, whether a breach of privilege or contempt of the House has been committed remains, and the House has to give a decision on the merits of the case.
>
> Therefore, the Minister of Parliamentary Affairs is within his right to invite the House to come to a decision whether any breach of privilege or contempt of the House has been committed.
>
> I rule that both the motion are in other and they should be put to the vote of the House one after the other."

This is the ruling. The only objection raised is, let it be understood, that this is not an amendment. This is not a substitute motion either, because one does not depend upon the other. This is another motion under rule 226.... (*Interruptions*). In privilege there is nothing like a motion. What we are discussing is a question, which was permitted to be placed before the House. This consideration has been going on so far. They have either to come to a deci-

sion by themselves or refer it to a Committee of Privileges on a motion made either by the member who has raised the question of privilege, or by any other member. Now the discussion is over. The course has to be decided. One is that it has to go to a Committee of Privileges. But it is not a closed matter If it is voted down, still the question of privilege will remain. The House will have to decide whether a breach of privilege has been committed or not. That will have to remain. If a breach of privilege is committed, the House can refuse to send to to the Privileges Committee, but the factum of the breach remains Another resolution is permissible, which is not a substitute motion, not an amendment; two motions can remain. We do not want a debate at all. The debate is over. The decision is what remains. Rule 359 refers to the debate. The debate is over. We do not want a debate ... (*interruptions*)

श्री अटल बिहारी वाजपेयी : सभापति जी इन्होंने जो कुछ कहा है उस के बारे में हमारा दृष्टिकोण सुन लें ।

सभापति महोदय : मेरे सामने रूल्ज है, इसलिये इसकी जरूरत नहीं है ।

श्री अटल बिहारी वाजपेयी : माफ़ कीजिये, अगर आप रूल्ज के हिसाब के काम कर रहे होते तो आप सीधे उस मोशन को पढ़ना शुरू नहीं करते । उस को आप ने कैसे पढना शुरु कर दिया ?

सभापति महोदय : आप ने जैसे ही प्वाइन्ट-आउट किया, मैंने रोक दिया। में यह समझता हूं कि रूल्ज के मुताबिक यह अमेण्डमेन्ट नहीं है, अमेण्डमेन्ट 24 घन्टे पहले आनी चाहिये । यह जरूर काउन्टर-मोशन है। लेकिन यह भी सही है कि चेअर को हर वक्त इख्तियार है कि वह किसी भी मोशन को एक्सैप्ट कर सकता है। रूल्ज चेअर की गाइडैंस के लिए हैं। चेअर को यह भी हक है कि किसी वक्त जरूरत समझे तो रूल्ज को भी सस्पैंड कर दे.....

श्री अटल बिहारी वाजपेयी : आपको यह अधिकार नहीं है ।

सभापति महोदय : रूल 359 बिलकुल साफ है—जब कि मूवर का जवाब हो चुका है, उसके बाद मे समझता हूं कि कोई मोशन नहीं आ सकता । इस लिए मैं इसे पाइंट आफ आर्डर को मंजूर करता हूं और मैं पिलू मोदी के रेजोल्यूशन और मधु लिमये के अमेंडमैन्ट को वोट के लिए रखता हूं । उसके बाद अगर हाउस की राय होगी तो आप को जो काउन्टर रेंजोलेशन है, उसके बारे मे बात की जा सकती है ।

श्री मधु दण्डावते : तरमीम पर वोटिंग पहले होना चाहिए, उस के बाद प्रस्ताव पर होना चाहिए ।

SHRI JYOTIRMOY BOSU: On a point of order. Rule 359 gives a clear guidance. It is mandatory for all of us. The Chair has now only to put the motion to the House for ascertaining the views of the House and nothing else.

श्री अटल बिहारी वाजपेयी : आप ने अभी कहा कि दूसरा मोशन आ सकता है । . .

सभापति महोदय : बाद में हाउस किसी वक्त कोई भी रेजोल्यूशन को ले सकता है ।

श्री अटल बिहारी वाजपेयी : प्रिवलेज मोशन लाने का एक नियम है । अगर काउन्टर मोशन जैसा आप कह रहे है, आयेगा तो एक नया प्रिवलेज मोशन होगा ।

सभापति महोदय : मेरे ख्याल मे जब यह वह आये, उस वक्त आप फरमाये तो ज्यादा अच्छा होगा ।

MR. CHAIRMAN: I now put the amendment moved by Shri Madhu Limaye to the vote of the House.

The Amendment was put and negatived.

MR. CHAIRMAN: I shall now put the motion moved by Shri Piloo Mody to the vote of the House.

The question is:

"May I draw your attention to the report published in the latest issue of *Pratipaksh* edited by" a former Member of Parliament.

"The report says that some of the 20 MPs who denied the genuineness of their signatures to the Licence Memorandum were telling a lie. The report also says that these signatures were manipulated by the Minister for Railways, Shri L. N. Mishra. The front page report denounces the Prime Minister as the main source of corruption. This is a gross contempt of the hon. Members and of the whole House."

"I shall be grateful if you will allow me now to move the motion for sending it to the Privileges Committee."

The motion was negatived.

श्री अटल बिहारी वाजपेयी : सभापति महोदय, मेरा मोशन है कि सदन की कार्यवाही स्थगित की जाय। समय के हिसाब से 6 बजे तक होनी चाहिए थी, आधा घंटा ज्यादा बैठ गये है।

अध्यक्ष महोदय : मैं सदन के हाथ में हूं मझे जो फैसला करना है सदन की राय से करना है।

मि० वाजपेयी ने जो रेजोल्यूशन मूव किया है कि हाउस एडजर्न किया जावे उसको में हाउस की राय जानने के लिए पेश करता हूं।

The motion was put and negatived.

सभापति महोदय : हाउस जारी रहेगा। **(व्यवधान)**

SHRI VASANT SATHE (AKOLA): Mr. Chairman, Sir....

(Interruptions)

SHRI PILOO MODY: Now how can you stop me calling them as thieves?

SHRI PRIYA RANJAN DAS MUNSI: You are dacoits. *(Interruptions)*.

श्री सभापति महोदय : मि. वसंत साठे का काऊंटर रेजोल्यूशन आपके सामने है।

Those in favour say 'Ayes'....

SOME HON. MEMBERS: 'Ayes'...

MR. CHAIRMAN: Those against... *(Interruptions)*

[Shri Madhu Limaye and some other Members went to the dais]

श्री मधु लिमये : जो यहां कार्यवाही हुई है वह अवैध है। **(व्यवधान)**

I will stay here. You remove me from the House.

SHRI P. G. MAVALANKAR: Shri Sathe should bring his countermotion tomorrow regularly, not like this.

(Interruptions)

[MR. SPEAKER *in the Chair*]

18.35 hrs.

SHRI SHYAMNANDAN MISHRA: Is this Parliamentary democracy?

SHRI P. G. MAVALANKAR: What is this, sir? This is most undemocratic. This is an outrage on procedure, it is a torturing of democracy. *(Interruption)*.

MR. SPEAKER: Order please. All of you may please sit down.

SHRI P. G. MAVALANKAR: We will not allow this. Let there be an Adjournment of the House.

PROF. MADHU DANDAVATE: If you have normal democratic functioning, you adjourn the House.

MR. SPEAKER: Let me understand what you want.

SHRI C. M. STEPHEN: It is they who have destroyed democracy. (*Interruption*).

MR. SPEAKER: Order, Order.

SHRI SHYAMANANDAN MISHRA: This is most unheard of.

SHRI P. G. MAVALANKAR: It is a most shameful thing.

श्री अटल बिहारी वाजपेयी : सारे नियमो की हत्या कर दी गयी है। आपने यहा से बैठ कर आज्ञा दे दी कि कांग्रेस पार्टी का मोशन आ सकता है। (व्यवधान) आपने कहा था हम इजाजत नही देगे। (व्यवधान)

MR SPEAKER I will let you know Order please.

SHRI PILOO MODY: May I make a submission?

श्री अटल बिहारी वाजपेयी : साढे 6 बजे श्री पीलू मोदी का मोशन गिरा दिया गया। उसके बाद एक नया मोशन आ गया। (व्यवधान) हमने प्रस्ताव किया था कि सदन की बैठक स्थगित कर दी जाए। (व्यवधान)

अध्यक्ष महोदय : मै पोजीशन क्लियर कर दू।

I have no alternative. (*Interruptions*) Please sit down.

SHRI S. M. BANERJEE: Sir, the Chairman said definitely that after the motion was put to vote, we could see. (*Interruptions*) I know that he has got the sanction from the Speaker. He ceases to be a party man when he is in the Chair. If at all he behaves as a party man while in the Chair, then we shall withdraw him from the Chair.

In this House, can you allow him to be a scape goat? You have betrayed our confidence.

अध्यक्ष महोदय : आप गुस्से में न आइये। आप पूरी बात समझिये।

श्री अटल बिहारी वाजपेयी : अध्यक्ष जी, आप सदन में नही थे। जो कुछ सदन में हुआ है उस का कोई समर्थन नही कर सकता। हम भी कोई नही चाहता था कि यह घटना हो। माननीय मधु लिमये कोई नए मेम्बर नही है। वह आप से लड़ते है, सदन के सामने बलपूर्वक अपनी बात कहते है, मगर नियमो के अन्तर्गत कहते है। वह चेयर तक कभी नही गये। आज तक कभी ऐसा नही हुआ कि माननीय मधु लिमये को स्पीकर की चेयर के पास जाने की जरूरत पडी हो। मगर हमारी भी कोई सहन की सीमा है कि नही?

अध्यक्ष महोदय, इस सदन की कार्यवाही नियमो के अनुसार चलेगी कि नही? या चेयर पर बैठे हुए सज्जन कहेगे कि चेयरमैन चाहे जो कुछ कर सकते है, नियम कुछ भी कहे? यह बात यहा कही गई। (व्यवधान) इसके बाद उन्होंने माना कि उन से गलती हुई।

श्री बसन्त साठे : आप रिकार्ड उठा कर देखिये उन्होने ऐसा नही कहा।

श्री अटल बिहारी वाजपेयी : उन्होने यही कहा। एक प्रिवलेज मोशन पर चर्चा चल रही है, वह मोशन माननीय पीलू मोदी का था, आपने उसकी इजाजत दी थी सदन के मेम्बर खड़े हुये थे उसके समर्थन मे, उस पर बहस हो रही थी। अगर कांग्रेस पार्टी के मेम्बर उसके बारे मे दूसरा मोशन लाना चाहते थे तो उसकी कौन सी स्टेज थी? माननीय लिमये ने एक अमेन्डमेंट दिया। कोई मेम्बर सब्सटीचयूट मोशन दे सकते थे

SHRI C M. STEPHEN: It is not a substitute motion.

श्री अटल बिहारी वाजपेयी : अब यह कह रहे है कि काउन्टर मोशन है, जो मैंने नही सुना। नया मोशन है प्रिवलेज से सबंधित है यह दिन की कार्यवाही की समाप्ति पर कैसे आ सकता है? क्या माननीय साठे के लिये अलग नियम है और हमारे लिये अलग नियम है? क्या हम किसी दिन शाम को प्रिवलेज मोशन ला सकते हैं? प्रिवेलेज मोशन सवेरे 10 बजे तक आना चाहिए यह हमारे लिए नियम है। शाम को मोशन आ गया।

[श्री अटल बिहारी वाजपेयी]

दूसरी बात यह है कि आम तौर पर सदन की बैठक 6 बजे समाप्त होनी चाहिए । जब तक माननीय पील् मोदी का मोशन चलता रहा हम लोगो ने आपत्ति नही की क्योकि एक विषय पर चर्चा हो रही थी वह समाप्त हो जाये । साढे 6 बज गये अब । इसी समय दूसरा मोशन लाने की क्या जरूरत थी । 6 बजे सदन स्थगित होना चाहिए । मने प्रस्ताव किया कि 6 बजे सदन स्थगित कर दे, साढे 6 बज गये सदन की कार्यवाही रोक दी जाय । तो जल्दबाजी मे बाट के लिये रखा गया । उसको बहमत मे ठुकरा दिया गया । क्या सदन की बैठक का समय बढाया जाय इसके बारे मे कोई कानसेशन से काम होगा ? मोशन केलिए वह कह रहे है पार्लियामेटरी मिनिस्टर ने कहा सदन की बैठक बढा दे और वह किया जा रहा है उस मोशन के लिये जिस को शाम को पेश किया जाता है जो सर्कुलेट नही किया गया । तो उस पर कैसे विचार किया जा सकता है ?

इसलिये मेरा कहना है कि अगर काग्रेस पार्टी यह समझती है कि अपोजीशन के बिना सहयोग के वह पार्लियामेट चलाना चाहती है तो वह चलाने के लिये स्वतत्र है । आज जैसा दृश्य सदन मे फिर अगर उपस्थित होगा तो (व्यवधान)

श्री सतपाल कपूर अपोजीशन ने पैदा किया ।

श्री अटल बिहारी वाजपयी अगर अपने बहुमत के बल पर बाते मनवाना चाहेगे, सदन की बठक कब तक चले, इसके लिये कासेशन के लिये तैयार नही होगे तो यह पार्लियामेट नही चल सकती ।

अध्यक्ष महोदय, अगर आप का फैसला खिलाफ होगा तो हम चले जायेगे । आप जो च : निर्णय कीजिये, अकेले चलाइये पार्लियामेट ।

SHRI SHYAMNANDAN MISHARA (Begusarai): I completely agree with the approach that the hon'ble Shri Vajpayee has brought to bear upon the situation which prevailed here a few minutes ago. We feel distressed and pained at what had happened in the House. But we do not have any complaint against the party in power. We do not complain against them, we fight them and we will continue to fight them Our complaint is against the Chair We are to be governed here by certain rules. The House can we conducted only when some rules prevail in the House and the Chair doesnot take a position as the Chairman at that time chose to take that the Chair can do anything in the matter It is not that I want to denegrate the Chair The Chair is the servant of the House; the Chair is not the master of the House The Chair is guided by certain rules

One motion was discussed and ultimately it was voted out. For that a good deal of processing had been done; from Rule 222 it had moved up to Rule 226

Now, another motion—a completely different motion—is sought to be catapulted. How it was suddenly visited on us without any processing through various stages I ask you whether it should be governed by certain rules or not or that we would be confronted with that motion at any stage. What is the character of the motion?—We do not know Every motion is governed by certain rules according to the character of the motion.

If the hon friends on the other side show the same keenness about 'no confidence motion' we would welcome. There should always be readiness on the part of the ruling party to face it and that is the rule which ought to prevail.

But the character of the motion here is different. It appers to be another motion of privilege If that is so, then it will have to go through all the stages of privileges. You will have to consider it first and after that the House will consider it as a ques-

tion; secondly the matter and substance of it and thirdly as the motion. But for that, notice will have to be given.

So, Sir, when the entire business in regard to Shri Piloo Mody's motion was concluded, the Chair chose to tell us that there was another motion and he wanted to take the sense of the House. I ask you, Sir, whether it is Parliament of India or *Jabardasti* of India? If there is *Jabardasti*, from that side, from this side, there would be *Satyagraha*. Even today, there was no show of physical force from this side because. . .

(*Interruptions*)

Sir, the whole thing is that we have to save this institution. What we are seeking today is to save this institution. (*Interruptions*)

MR. SPEAKER: Why do you interrupt? After all, we are sitting here to hear each other.

SHRI SHYAMNANDAN MISHRA: Sir, what we are seeking today is to save this institution from the autocratic rule of the Chair. Chair's prerogative is not synonymous with autocracy. Chair's prerogative is precious; it should be based on rules; and it cannot be based on autocracy. What we are seeking today is to save this Parliamentary democracy from the autocracy of the Chair. Behind the autocracy of the Chair may be the sheer brute force of the majority on the other side.

SHRI DINESH SINGH (Pratapgarh): Mr. Speaker, Sir, I entirely agree with the hon. Member Shri Atal Bihari Vajpayee and hon. Member Shri Shyamnandan Mishra that we can manage this House only if it is run within the rules that have been laid down. I would, therefore, submit to you, and through you, to the hon. Members that they might also consult the rules and see whether we have functioned within the rules or not. At times, when certain matters come up, it is not always possible for hon. Members to remember all the rules, and therefore, it is good, from time to time to refresh them. Now, the question that was being discussed here was the Privilege Motion or rather the motion that a matter should be referred to the Committee of Privileges. That matter had come to an end. Mr. Piloo Mody concluded his speech. The question was that it should be put to vote. There was an amendment by the hon. Member, Shri Madhu Limaye and that amendment had to be voted first. At that stage, the Chair made it known to the House that there was another motion in that connection. The Chair was attempting to read the motion and if my friends had allowed the Chair to read the motion, perhaps, it would have been easier to understand whether it was within the rules or not. (*Interruptions*). What I was trying to say was actually what had happened. Now whether they did right in not allowing the Chair to read it or not is a matter of opinion. I am not going into it. I was only relating what had happened.

At that stage, it was announced by the Chairman that he had another motion. Members on the Opposition benches did not think that he should read it. Then some points were raised as to what would happen to what was already before the House. He said that this motion would be considered first, that the amendment of Shri Madhu Limaye would be taken up first, then the motion of Shri Piloo Mody would be taken up, and thereafter this motion would be taken up.

SHRI S. M. BANERJEE (Kanpur): If the House wishes

SHRI DINESH SINGH: If the House wishes. The Chair also pointed out that it had powers to suspend the rules.

SHRI SHYAMNANDAN MISHRA: We did not agree.

SHRI DINESH SINGH: All right. He pointed that out. The amendment of Shri Madhu Limaye was voted. Then the motion of Shri Piloo Mody was voted. At that stage, Shri Vajpayee moved that the House be adjourned today. Now, that was put to vote.

SOME HON. MEMBERS: No, no.

SEVERAL HON. MEMBERS; Yes, yes.

SHRI DINESH SINGH: Let us function within the rules.

SHRI ATAL BIHARI VAJPAYEE: I did move it.

SHRI DINESH SINGH: Therefore, it was voted.

SHRI PILOO MODY: It is not a matter of voting—whether the House should be adjourned.

SHRI DINESH SINGH. It was voted upon. The hon. member himself admits it was voted upon and it was lost.

Thereafter the question was whether this motion should be taken up or not. At that time, if the hon. members felt that there was something wrong with the motion or that they needed more time to consider it or that it should be discussed at length or that they wanted details of it, that was the time for the hon. members to have asked for it.

SHRI P. K. DEO: We asked.

SHRI PILOO MODY: We said: bring it tomorrow; we will discuss it.

SHRI DINESH SINGH: Thereafter, if it had been discussed in that manner, I am sure there would have been no difficulty and an arrangement could have been arrived at...

SHRI PILOO MODY: Question.

SHRI DINESH SINGH: . . . as to in what manner it could be dealt with. But instead of that, somehow there were certain difficulties in the House—I would not go into any details; we all saw it.

SHRI C. M STEPHEN: The Chair did not know, let the Chair know it.

SHRI DINESH SINGH: Thereafter, the Mover of that Motion, Shri Sathe, moved his motion. Whether the Motion can be moved was also debated; and since it was a motion that concerned the motion that was already being discussed, there is a precedent under which a similar motion in the past had been taken up.

SHRI PILOO MODY. At that stage?

SHRI DINESH SINGH All these were matters which could have been —and if I may suggest—should have been raised at that time and considered (*Interruptions*). In that confusion, the motion was put to the House. No member was willing to speak on that motion. Therefore, the motion was voted upon (*Interruptions*).

SHRI SHYAMNANDAN MISHRA. We did not know.

SHRI P K. DEO: He is misguiding the House.

SHRI DINESH SINGH. That is my recollection. Whether the formal voting had taken place or not, it is for the Chair to decide. But there was a voice vote. We were asked to say 'Aye'. We did say 'Aye'. Whether it is there or not, it is for you to decide. We could have a vote on it again. But my point is that it would be possible for all of us to function provided we agree that Shri Vajpayee and Shri Mishra and all of us will follow the rules of the House. If we follow the rules of the House, I submit that this motion is permissible.

19 hrs.

SHRI S. M. BANERJEE: We want it to be circulated properly so that we may apply our mind; we want to read it.

PROF. MADHU DANDAVATE: I raised a point of order and I should like to trace the sequence. When Shri Piloo Mody had completed his reply, the Chairman got up and said that he had a motion That motion was described by some Members as counter-motion. I have heard of counter-revolution, not of counter-motions. When I pointed out that it was not possible to take up that motion at that stage, it was stated that the amendment of Shri Limaye would be voted upon and then the resolution moved by Shri Piloo Mody. At that stage Shri Madhu Limaye also pointed out that according to rule 359 the reply of the Mover of the original motion shall in all cases conclude the debate. The Chairman accepted this contention and the amendment was put to vote. The resolution was also put to vote and rejected. Then all of a sudden the Chairman got up At that stage Shri Vajpayee also got up and said that we had had continuous discussion for a long time and we can meet tomorrow A lot of noise was there at that time and the Members of the ruling party were shouting. Nobody could hear anything The Chairman also was not able to hear anything. Even if the other resolution were put to vote, we did not know what the subject matter of that motion was Was it the same? No notice of that motion was given. It has been the convention of the House that when on an important matter a motion is put before the House, as Mr. Banerjee rightly pointed out, notice must be given. In addition to that rule 338 demands that two identical motions cannot be taken upon the same subject in the same session. In fact Shri Madhu Limaye wanted suspension of rule 338 so that the no confidence motion might be taken up. We do not even know the subject matter of the motion that was sought to be moved by Mr. Sathe. If it were on the same matter, some persons would have got up and pointed out to the Chairman that unless rule 338 was suspended, this could not be taken up. Chairman ought to have ascertained whether rule 338 was applicable or not. We should have been told whether that motion came under the purview of rule 338 or not. He could have restored the order in the House and taken it up tomorrow after due notice was given. When the atmosphere for debate and discussion was not there, the Chairman actually tried to impose his decision on us and to that extent the normalcy of the House was destroyed. The Chairman is the custodian of the rights and powers of the House and if the Chairman allows the rules to be flouted, the Members would feel concerned That was the attitude of Madhu Limaye. If Madhu Limaye was provoked it was because he found that the rules were not observed When the Chairman flouted the rules, even if apparently the rules are flouted by Members, you cannot blame them and you cannot describe it as indiscipline.

SHRI S. M. BANERJEE: Sir, I had a talk with the Chairman, who is a member of my party. We have heard that something has happened, that some wisdom has come from the other House to this House through the Central Hall and they wanted to move a counter-motion When you were presiding over the Business Advisory Committee, we pointed out to you our apprehensions about it and requested you to direct the Chairman that nothing should be allowed to be moved unless you have permitted it. So, the Chairman stood like a rock and did not allow that motion to be moved. But ultimately he realised that as Chairman he has to function under the guidance of the Speaker, who is the Custodian of the House. When the Secretary-General told the Chairman that it has been permitted by you and you have allowed it to be moved, there were only two courses open Either he could have adjourned the House or obeyed your instructions. Earlier he gave a wonderful ruling which was applauded by the whole House when he said that rule 359 is clear. But after that, he has

[Shri S. M. Banerjee]
acted in obedience to your order. Why did you allow our Chairman to face this sort of humiliation? He did not deserve it. The same thing happened once when Mr. Vasudevan Nair, was in the Chair, but he refused to carry out certain orders which he thought were apparently wrong. Sir, we shall have to seriously consider whether any of our party members should continue to be on the panel of Chairmen. When you decided to allow it, in all fairness you should have come and told the House that it was under your orders that the Chairman was acting. Sir, this counter-motion will have to be widely circulated to all the members. I would like to read it carefully and move an amendment. Let us discuss for the whole of tomorrow whether the counter-motion is correct or not. It should be widely circulated to all the hon. members.

SHRI P G. MAVALANKAR (Ahmedabad): Mr. Speaker, what has happened today in this House is both extraordinary and amazing. I do not want to give again the whole chronological events that took place in the House. My hon. friend, Shri Dinesh Singh, has given a fairly accurate catalogue as to what has happened My point is very simple. As soon as Shri Madhu Limaye's amendment was lost by a voice vote, Shri Piloo Mody's motion was put to vote and it was voted down by the majority of the House; it was not accepted When the Chairman announced the decision, simultaneously, Shri A. B. Vajpayee, got up from his seat and moved a motion that the House be now adjourned. It was not a request but a motion which should have been taken by the Chair forthwith Unfortunately, instead of taking up Shri Vajpayee's motion first, the Chair took up the parallel motion and the wish of the House was not ascertained. Without ascertaining the wish of the House on Shri Vajpayee's motion, the Chair was in a very unconstitutional and shabby way intimidated by the Minister of Parliamentary Affairs and the Government Members to put the other motion to the House.

I want to say that in this Parliament, and for that matter in any Parliament, the majority must have its way. They could have taken the parallel motion tomorrow. But to bring pressure of the majority on the Chair is unparliamentary, undemocratic and dictatorial. You should forthwith adjourn the House, following the motion of Shri Vajpayee. The other discussion can be taken up tomorrow.

SHRI PRIYA RANJAN DAS MUNSI: Sir, I am extremely sorry to listen to the argument of Shri S M. Banerjee of the opposition. No member of any political party can take it for granted that whoever is in the panel of Chairman should function in the capacity of the representative of this or that party. The moment he occupies the chair, he takes up the responsibility for upholding the prestige and decorum of the entire House as the Speaker. Some members may take a particular decision of the Chair as right or wrong but he has to uphold the dignity of the Chair. I am extremely sorry that Shri Banerjee has taken it as if it is the monopoly of his party which the Chair is protecting.

Secondly, there are no two opinions that the Chairman has allowed opportunity to every member of the opposition and ruling party to raise points of order on whether similar motions can be admitted or not. In spite of Shri Stephen from our side citing the example of 5th July 1967 when similar motions were accepted, the Chairman gave a categorical ruling that at this stage no such amendment could be moved. He said that he would see the motion afterwards. Before that he also told the House that, if the Speaker or the Chairman felt that some motion was important and was fit enough, he could admit it suspending the rules even. He did not say that he was doing it. It is a wrong charge that was made. He only said that he would see

it afterwards. Then Mr. Vajpayee moved the motion for adjournment of the House. Then the Chairman put that motion to the vote of the House and it was negatived. Thereafter, the Chair allowed Shri Vasant Sathe to read the motion. The members on the opposition did not have the patience to listen to the motion. They left their seats. (*Interruptions*). It is a fact that they created the trouble; they did not want to hear Mr. Vasant Sathe. My submission is this I have great regards for the hon Member, Shri Madhu Limaye. His Parliamentary knowledge and intelligence was, sometimes, of great help to me. I am grateful to him for that But, as a member of the House. I would like to express my sentiment on what happened in the House today, what Mr. Madhu Limaye and Mr. Janeshwar Misra did today was not against the Chair, it was against the Parliamentary system and I want to condemn it.... (*Interruptions*). They are creating a situation in which the whole Parliamentary system would collapse. I have heard many good arguments from Shri Mavalankar. I like to learn from him There may be shortcomings on our side. But I do not think any of us should try to justify what Mr Limaye did today. The way he rushed towards the Chair and took the mike has to be condemned by one and all Mr. Speaker, if you go against the rules in this House, the members have the right to remove you from the Chair. If the Chairman does something against the rules, members have the right to remove him from the Chair. I want to know from you, Sir, whether a member has a right to go to the Chair, take the mike and do whatever he likes. I want your ruling on this point, Sir.

SHRI JYOTIRMOY BOSU: We are making a simple thing very complicated. In accordance with rule 359, the Chairman, in the normal course, if he was impartial, would have concluded the motion that was under debate and then, since it was 6.30 P.M., should have adjourned the House, because Mr. Raghu Ramaiah had not moved any motion for extending the time of the House. Therefore, there was no question of extending the business of the House beyond 6 O'Clock. although we sat till half past 6 O'Clock. Therefore, anything that was done after that was improper.

Then I come to rule 332, which says:

> "Every notice required by these rules shall be given in writing addressed to the Secretary, and signed by the member giving notice and shall be left at the Parliamentary Notice Office which shall be kept open for this purpose between the hours to be notified from time to time on every day except Sunday or a public holiday
>
> "(2) Notices left at the Parliamentary Notice Office after the hours notified under sub-rule (1) shall be treated as given on the next open day."

Under these rules....

SHRI DINESH CHANDRA GOSWAMI (Gauhati): Under what rule Mr. Vajpayee moved his motion?

SHRI JYOTIRMOY BOSU: Under the rules, you had no right to entertain notices. (*Interruptions*). Today I was shocked to hear that you had given in writing instructions from your chamber on the body of the motion addressed to the Chairman and had made the Chairman a poor victim; he was nervous and was shaking in his seat Mr Speaker, you have done a very serious and wrong thing, taking advantage of your position, to protect this government. You have given in writing, I am told—unless you clear it—on the body of the motion that the motion must be put before the House. This is a very serious charge. We have been fighting against this government for the last one week or so and now, at the fag end of the session, you have shown your true colours that you are only a shield and protector of this government. I am

[Shri Jyotirmoy Bosu]

very regretful and this is very unbecoming of the Chair. You should make a statement today giving the true and correct facts and not as you want.

SHRI H. K. L. BHAGAT (East Delhi): The facts are a matter of record and information. You can look into the record to ascertain the facts. I am very sorry to say that Shri S. M. Banerjee has tried to explain what the Chairman did and at the same time, I am very sorry to say that in giving the facts, he has not been fair to the Chairman, he has not been fair to you and he has not been fair to the House and so, I am very sorry to say. I will talk of the facts.

Shri Purushottam Mavalankar, my friend, said on the one hand that Shri Dinesh Singh has correctly restated the facts, and what happened in this House and, at the same time, while giving his narration of facts, he contradicted him and said things which are not borne out by what happened in the House.

Now, an objection was raised.... (*Interruptions*). Now, when Shri Piloo Mody had concluded his reply, then, the Chair said that there was another motion by Shri Vasant Sathe. Then, objection was raised on the ground that under Rule 359, 'well, a counter motion at that stage could not come'. The Chair, after listening to various people, gave a ruling and the ruling of the Chair was, 'I will take the voting first on the amendment of Shri Madhu Limaye, then I will take the voting on the main resolution by Shri Piloo Mody' and, at the same time, the Chair said, 'I will then take up the motion of Shri Vasant Sathe .. (*Interruptions*). It is all a matter of record Please do not interrupt me. On that, Shri Vajpayee got up.... (*Interruptions*). It is a matter of record, you can check up the records. On that Shri Vajpayee got up to say and that he objected to the latter portion of the ruling whereupon the Chair said, 'When the matter is taken up, you can raise the objection about it. Let me take the voting first on the amendment and then on the main resolution'. The voting was taken on the amendment and the main resolution and the opposition parties participated in it and when the decision was taken by the Chair, they started shouting and the Chair said—I am quoting his words, there may be a difference here and there—'The Chair has the power to permit a motion. The Chair has the power to even waive the rules and I am doing it and, therefore, I am allowing this motion.... (*Interruptions*).

What happened unfortunately was this. Instead of allowing the Chairman to any something, all of them started shouting

AN HON MEMBER: You were not in the House then....

SHRI H K. L BHAGAT: I was all along in the House I did not move even an inch All of them started shouting, no, no The Chairman put the motion to the vote. That is what happened. These are the facts which I want to submit

MR SPEAKER: Hon Members, I have heard you with respect and attention

First of all, I just say, whoever happens to be Chairman, he represents the Speaker. And for those who are in the Chair I have the utmost respect and regards And for Shri Ishaque Sambhali, I have very deep regards as a man and as a Chairman. Sometimes it does happen that the Chair may not understand the position rightly—I may not understand as well—and in such a situation, what happens is, we hear points of view here and make up our mind Mr. Ishaque Sambhali has sent me a slip saying: -मेरे बारे में वाजपेयी जी और मिश्रा जी ने ये अलफाज गलत इस्तेमाल किये हैं—कि मैंने कहा है कि चेयरमैन सब कुछ कर सकता है । सही बात यह है—मैंने कहा था—चेयरमैन रूल्ज को हाउस की मजूरी

से मोएत्तेल कर सकता है, लेकिन मैं रूल्ज को ही मानूंगा, इसलिये प्वाइंट आफ आर्डर को मजूंर करता हूं ।

यह स्लिप उन्होंने मेरे पास भेजी है जो उर्द् में है :

It is indeed a very bad situation that had happened and we do not feel happy about it,—that it happened like this. I was sitting in the Business Advisory Committee when the message came....

SHRI S. M. BANERJEE: We were all with you, Sir.

MR. SPEAKER:.... that Mr. Sathe was insisting on moving his counter-resolution, or counter-motion. The Secretary-General met me and said it is not possible unless the Speaker sees and permits it. The Secretary-General put it before me along with the rules and what my predecessor ruled in 1967 which has been read and quoted in this House. In view of that, I said; well if that is the ruling, then, I have no other alternative but to accept it. Personally if this ruling is not there I would have applied my own mind, but since there was a precedent and the ruling given, I accepted it. Now it came in continuation of the discussion. This counter-Resolution came. Now, Mr. Banerjee was very unkind to me to say that I was in the Chamber and it all happened and I should have come at once. Normally I am in the Chamber, I meet Members, I see the files, administrative files and others. The Chairmen sitting inside the House deal with the situation themselves.

After all, since this morning I sit in the House. Of course, in the afternoon, I do the administrative work. Whether I am inside or not, I take it that the Chairman is very effectively dealing with the situation himself. This is a counter resolution. There have been counter resolutions and counter-motions, substitute motions and all sorts of motions in the past.

I did not know the stage we had reached. I should have immediately inquired into the whole thing. Unfortunately, I missed that chance to inquire into it. I should have inquired as to the stage of the debate. It is an omission on my part not to know about it. Anyway it had happened like this.

As far as the motion put by Shri Vajpayee namely, 'the House be adjourned', is concerned, I think that the Chairman, in his wisdom put it to the House. It would have been much better for the Government—Treasury Bench—or the Minister or some responsible Members, if they want extension of the time of the House, they should have pressed for it or spoken to Vajpayeeji also. But, it did not happen. What else can the Chairman do except to put it because it was moved in the House?

Normally, the Chairman does not sit in the House all time. He comes and goes. On all occasions, normally, when we sit, we consult each other in case of doubt or difference on any of them. Now it is too late. What should we do? Sometimes the Opposition says 'no' Sometimes they say that they have two more Resolutions which they would like to move. So, we want more time. And so, let the House be extended. This thing takes place. It is very unfortunate it happened like this.

As far as other proceedings that followed are concerned about which a reference has been made, I have enquired from the Table Office as to what the position was at the end of it. Shri Dinesh Singh and some others said at that stage there was a noise. There was shouting and all that. I thought that instead of going on in this wrangling way, we should find a way out of the situation. Now, I would request all my friends in this

[Mr. Speaker]

House that they should not expect anything other than what we have decided as irrevocable. I would request the Treasury Benches also that if they have got anything, they should keen on sitting. And, if Shri Vajpayee feels that his Resolution was let down, there is also reason for this. A point had been raised at what stage it happened. It would give me some chance to go through the proceedings to know at what stage this was and whether it would come up at all. In the meantime, this motion will be circulated. I am only asking you to find some way out of this situation.

SHRI SHYAMNANDAN MISHRA: May I make a submission on this?

MR. SPEAKER. What it may be, it was permitted on the basis of the ruling over which I am not responsible. The ruling was there and it is there as a precedent and, therefore, we take it as it is.

As for the incident I am very sorry The moment I was informed that the Chair is in difficulty and this is the position I just left the whole business. You can see the files are lying open at my table They are still there. I just rushed in

सम्भली साहब से मैंने कहा मै आपसे माफी चाहता हू, मेरी वजह से आपको इतनी तकलीफ उठानी पडी, बात क्या हुई ? उन्होने मझे बताया कि यह है और इसके बाद यह किया । तो जो भी उन्होंने किया वह किया ।

in good faith and in good wisdom I am occupying the Chair as he does The moment one is in the Chair one stops thinking on the party time

अगर मै करता तो आपने मझे कहना था कि इस तरह कर दिया, वह कहते है, तो भी बनर्जी साहब कहते है कि वह ऐसा कहते है । सब को इनके खिलाफ लगेगा तो यह कहना आप कर देंगे

We got you elected and we withdraw you.

मैं इसमें थोड़ी सी गलती पर था लेकिन

You can well imagine under what difficult strain the Chair functions.

श्री एस० एम० बनर्जी : अगर आप के इंस्ट्रक्शन नही आते तो वे ऐसा नही करते ।

अध्यक्ष महोदय : मेरी ही गलती समझिये।

I say I did the mistake. I waived the rule and said that I allow it.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHURAMAIAH): I would like to make a submission So far as this side of the House is concerned our recollection is that the motion was put to the vote and passed.

(Interruptions)

MR. SPEAKER: Upto the stage that it was put this has been brought to my notice. I will see the record In the meanwhile I have asked the office to circulate the motion.

I would not approve of the way the incident took place.

(Interruptions)

इसीडेंट के बारे मे इधर से भी पूछ लूगा माननीय वाजपेयी वगैरह से कि क्या हुआ ?

When I came, I did see that some Members were on the dias side, which I think, should not have happened. It is most undesirable. It should not have happened. After all, we may differ; we may lose temper. But, it does not mean that in this National Parliament, it should happen like this

PROF. MADHU DANDAVATE: Nobody is happy about it.

(Interruptions)

MR SPEAKER: We adjourn now to meet tomorrow at 11 A.M.

19 45 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, September 6, 1974/Bhadra 15, 1896 (Saka)